

# Title 220 WAC

## FISH AND WILDLIFE, DEPARTMENT OF (FISHERIES)

### Chapters

220-12	Food fish and shellfish—Classified.		
220-16	Definitions.		
220-20	General provisions.		
220-22	Management and catch reporting areas.		
220-24	Pacific Ocean waters.		
220-28	Emergency regulations.		
220-32	Columbia River.	220-57-002	(Order 86-08), § 220-57-001, filed 4/9/86; 82-07-047 (Order 82-19), § 220-57-001, filed 3/18/82; 78-03-034 (Order 78-8), § 220-57-001, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-001, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-001, filed 3/15/76, effective 5/1/76; Order 910, § 220-57-001, filed 12/28/70.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-33	Columbia River—Commercial fisheries below Bonneville Dam.		Personal use fishery—Armstrong, Lake (Snohomish County). [Order 1193, § 220-57-002, filed 3/4/75; Order 1186, § 220-57-002, filed 1/13/75; Order 1101, § 220-57-002, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-002, filed 12/22/72; Order 910, § 220-57-002, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-010.
220-36	Grays Harbor.		Personal use fishery—Big Beef Creek. [Order 910, § 220-57-003, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-125.
220-40	Willapa Harbor.	220-57-003	Personal use fishery—Bogachiel River. [Order 910, § 220-57-004, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-130.
220-44	Coastal waters—Marine fish.		Personal use fishery—Bosworth, Lake. [Order 1101, § 220-57-005, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-005, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-020.
220-47	Puget Sound—Salmon.		Personal use fishery—Calawah River. [Order 910, § 220-57-006, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-135.
220-48	Puget Sound—Fish other than salmon.	220-57-004	Personal use fishery—Capitol Lake. [Order 910, § 220-57-007, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-030.
220-49	Puget Sound commercial forage fish.		Personal use fishery—Chehalis River. [Order 1221, § 220-57-008, filed 7/1/75; Order 910, § 220-57-008, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-140.
220-52	Shellfish.	220-57-005	Personal use fishery—Clallam River. [Order 910, § 220-57-009, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-150.
220-55	Personal-use licenses.		Personal use fishery—Clearwater River (Jefferson County). [Order 910, § 220-57-010, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-155.
220-56	Personal-use fishery.	220-57-006	Personal use fishery—Columbia River. [Order 1186, § 220-57-011, filed 1/13/75; Order 1116, § 220-57-011, filed 4/30/74; Order 1101, § 220-57-011, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-011, filed 12/22/72; Order 910, § 220-57-011, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-160.
220-60	Oysters and clams—Sales from state reserves.		Personal use fishery—Copolis River. [Order 1101, § 220-57-012, filed 11/14/73, effective 1/1/74; Order 978, § 220-57-012, filed 12/10/71; Order 910, § 220-57-012, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-165.
220-69	Fish receiving tickets—Weight delivery sheets.	220-57-007	Personal use fishery—Coweeman River. [Order 1039, § 220-57-013, filed 12/22/72; Order 910, § 220-57-013, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-170.
220-72	Oyster diseases and pests.		Personal use fishery—Cowlitz River. [Order 1186, § 220-57-014, filed 1/13/75; Order 1101, § 220-57-014, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-014, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-175.
220-74	Surplus salmon eggs.	220-57-008	
220-76	Aquaculture.		
220-77	Aquaculture disease control.	220-57-009	
220-80	Public records.		
220-85	Commercial license moratorium advisory review board regulations.	220-57-010	
220-87	Puget Sound whiting.		
220-88	Emerging commercial fisheries.	220-57-011	
220-88B	Coastal spot shrimp.		
220-88C	Coastal pilchard fishery.		
220-88D	Commercial shellfish fishery on nonstate lands.	220-57-012	
220-88E	Hagfish fishery.		
220-90	Commercial herring fishing license hardship validation review board regulations.	220-57-013	
220-95	Commercial fishing gear reduction program.		
220-100	State Environmental Policy Act rules.	220-57-014	
220-110	Hydraulic code rules.		
220-125	License revocation and privilege suspension.		
220-130	Volunteer cooperative fish and wildlife enhancement program.		
220-140	Regional fisheries enhancement groups.		
DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE			
Chapter 220-57			
FRESH WATER ANGLING—OPEN AREAS AND SEASONS			
220-57-001	Freshwater seasons and daily limits. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-001, filed 5/31/95, effective 7/1/95; 86-09-020		

	014, filed 12/22/72; Order 978, § 220-57-014, filed 12/10/71; Order 910, § 220-57-014, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-175.	220-57-032	Personal use fishery—Elwha River. [Order 1101, § 220-57-032, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-032, filed 12/22/72; Order 910, § 220-57-032, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-240.
220-57-015	Personal use fishery—Curley Creek (Kitsap County). [Order 910, § 220-57-015, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-180.	220-57-033	Personal use fishery—Flowing Lake (Snohomish County). [Order 1186, § 220-57-033, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-033, filed 12/22/72; Order 910, § 220-57-033, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-075.
220-57-016	Personal use fishery—Cushman, Lake (Mason County). [Order 1186, § 220-57-016, filed 1/13/75; Order 1101, § 220-57-016, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-016, filed 12/22/72; Order 910, § 220-57-016, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-040.	220-57-034	Personal use fishery—Goodwin, Lake (Snohomish County). [Order 1186, § 220-57-034, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-034, filed 12/22/72; Order 910, § 220-57-034, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-080.
220-57-017	Personal use fishery—Davisson Lake (Lewis County). [Order 910, § 220-57-017, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-045.	220-57-035	Personal use fishery—Grande Ronde River. [Order 910, § 220-57-035, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-245.
220-57-018	Personal use fishery—Deep Creek (Clallam County). [Order 910, § 220-57-018, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-185.	220-57-036	Personal use fishery—Grays River. [Order 1101, § 220-57-036, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-036, filed 12/22/72; Order 910, § 220-57-036, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-250.
220-57-019	Personal use fishery—Deep Lake (Grant County). [Order 1101, § 220-57-019, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-019, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-050.	220-57-037	Personal use fishery—Green River (Cowlitz County). [Order 1186, § 220-57-037, filed 11/13/75; Order 1101, § 220-57-037, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-037, filed 12/22/72; Order 978, § 220-57-037, filed 12/10/71; Order 910, § 220-57-037, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-255.
220-57-020	Personal use fishery—Deep Lake (King County). [Order 1101, § 220-57-020, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-020, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-055.	220-57-038	Personal use fishery—Green River (King County). [Order 1186, § 220-57-038, filed 11/13/75; Order 1101, § 220-57-038, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-038, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-260.
220-57-021	Personal use fishery—Deschutes River. [Order 910, § 220-57-021, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-190.	220-57-039	Personal use fishery—Hamma Hamma River. [Order 910, § 220-57-039, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-265.
220-57-022	Personal use fishery—Dewatto Creek. [Order 910, § 220-57-022, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-195.	220-57-040	Personal use fishery—Hoh River. [Order 910, § 220-57-040, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-270.
220-57-023	Personal use fishery—Dickey River. [Order 910, § 220-57-023, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-200.	220-57-041	Personal use fishery—Hoko River. [Order 910, § 220-57-041, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-275.
220-57-024	Personal use fishery—Dosewallips River. [Order 910, § 220-57-024, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-205.	220-57-042	Personal use fishery—Hoquiam River. [Order 1101, § 220-57-042, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-042, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-280.
220-57-025	Personal use fishery—Drano Lake. [Order 1101, § 220-57-025, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-025, filed 12/22/72; Order 910, § 220-57-025, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-060.	220-57-043	Personal use fishery—Humptulips River. [Order 1039, § 220-57-043, filed 12/22/72; Order 910, § 220-57-043, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-285.
220-57-026	Personal use fishery—Duckabush River. [Order 910, § 220-57-026, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-210.	220-57-044	Personal use fishery—Icicle River. [Order 1186, § 220-57-044, filed 11/13/75; Order 910, § 220-57-044, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-290.
220-57-027	Personal use fishery—Dungeness River. [Order 1101, § 220-57-027, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-027, filed 12/22/72; Order 910, § 220-57-027, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-215.	220-57-045	Personal use fishery—Joe Creek (Grays Harbor County). [Order 1101, § 220-57-045, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-045, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-295.
220-57-028	Personal use fishery—Duwamish River. [Order 1039, § 220-57-028, filed 12/22/72; Order 910, § 220-57-028, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-220.	220-57-046	Personal use fishery—Johns River. [Order 910, § 220-57-046, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-300.
220-57-029	Personal use fishery—East Twin River. [Order 910, § 220-57-029, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-225.	220-57-047	Personal use fishery—Kalaloch Creek. [Order 910, § 220-57-047, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-305.
220-57-030	Personal use fishery—Elk River. [Order 910, § 220-57-030, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-230.		
220-57-031	Personal use fishery—Elokomin River. [Order 1101, § 220-57-031, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-031, filed 12/22/72; Order 910, § 220-57-031, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-235.		

220-57-048	Personal use fishery—Kalama River. [Order 1186, § 220-57-048, filed 1/13/75; Order 1101, § 220-57-048, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-048, filed 12/22/72; Order 978, § 220-57-048, filed 12/10/71; Order 910, § 220-57-048, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-310.		3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-125.
220-57-049	Personal use fishery—Klickitat River. [Order 1039, § 220-57-049, filed 12/22/72; Order 910, § 220-57-049, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-315.	220-57-063	Personal use fishery—Ozette River. [Order 910, § 220-57-063, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-360.
220-57-050	Personal use fishery—Lewis River. [Order 1186, § 220-57-050, filed 1/13/75; Order 1039, § 220-57-050, filed 12/22/72; Order 910, § 220-57-050, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-319 and 220-57-320.	220-57-064	Personal use fishery—Palix River. [Order 910, § 220-57-064, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-365.
220-57-051	Personal use fishery—Lower Goose Lake (Grant County). [Order 1101, § 220-57-051, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-051, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-100.	220-57-065	Personal use fishery—Park Lake (Grant County). [Order 1101, § 220-57-065, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-065, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-130.
220-57-052	Personal use fishery—Lyre River. [Order 910, § 220-57-052, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-325.	220-57-066	Personal use fishery—Puyallup River. [Order 1186, § 220-57-066, filed 1/13/75; Order 1101, § 220-57-066, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-066, filed 12/22/72; Order 910, § 220-57-066, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-370.
220-57-053	Personal use fishery—Martha Lake (Snohomish County, Alderwood Manor). [Order 1193, § 220-57-053, filed 3/4/75; Order 1186, § 220-57-053, filed 1/13/75; Order 1101, § 220-57-053, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-053, filed 12/22/72; Order 910, § 220-57-053, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-105.	220-57-067	Personal use fishery—Pysht River. [Order 910, § 220-57-067, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-375.
220-57-054	Personal use fishery—Mayfield, Lake (Lewis County). [Order 910, § 220-57-054, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-110.	220-57-068	Personal use fishery—Queets River. [Order 910, § 220-57-068, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76.
220-57-055	Personal use fishery—Meridian, Lake (King County). [Order 1186, § 220-57-055, filed 1/13/75; Order 1101, § 220-57-055, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-055, filed 12/22/72; Order 910, § 220-57-055, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-115.	220-57-069	Personal use fishery—Quilcene River. [Order 1039, § 220-57-069, filed 12/22/72; Order 910, § 220-57-069, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-380.
220-57-056	Personal use fishery—Morse Creek (Clallam County). [Order 1101, § 220-57-056, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-056, filed 12/22/72; Order 910, § 220-57-056, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-330.	220-57-070	Personal use fishery—Quillayute River. [Order 1186, § 220-57-070, filed 1/13/75; Order 910, § 220-57-070, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-385.
220-57-057	Personal use fishery—Naselle River. [Order 1101, § 220-57-057, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-057, filed 12/22/72; Order 910, § 220-57-057, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-335.	220-57-071	Personal use fishery—Quinault River. [Order 910, § 220-57-071, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-390.
220-57-058	Personal use fishery—Nemah River. [Order 1101, § 220-57-058, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-058, filed 12/22/72; Order 978, § 220-57-058, filed 12/10/71; Order 910, § 220-57-058, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-340.	220-57-072	Personal use fishery—Roesiger, Lake. [Order 1186, § 220-57-072, filed 1/13/75; Order 1101, § 220-57-072, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-072, filed 12/22/72; Order 910, § 220-57-072, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-135.
220-57-059	Personal use fishery—Nisqually River. [Order 1101, § 220-57-059, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-059, filed 12/22/72; Order 910, § 220-57-059, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-345.	220-57-073	Personal use fishery—Salmon Creek (Clark County). [Order 910, § 220-57-073, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-395.
220-57-060	Personal use fishery—Nooksack River. [Order 1186, § 220-57-060, filed 1/13/75; Order 910, § 220-57-060, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-350.	220-57-074	Personal use fishery—Salmon River. [Order 910, § 220-57-074, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-400.
220-57-061	Personal use fishery—North River. [Order 910, § 220-57-061, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-355.	220-57-075	Personal use fishery—Samish River. [Order 1039, § 220-57-075, filed 12/22/72; Order 910, § 220-57-075, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-405.
220-57-062	Personal use fishery—Ozette Lake. [Order 910, § 220-57-062, filed 12/28/70.] Repealed by Order 76-14, filed	220-57-076	Personal use fishery—Sammamish, Lake. [Order 910, § 220-57-076, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-145.
		220-57-077	Personal use fishery—Sammamish River. [Order 910, § 220-57-077, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-410.
		220-57-078	Personal use fishery—Satsop River. [Order 978, § 220-57-078, filed 12/10/71; Order 910, § 220-57-078, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-415.
		220-57-079	Personal use fishery—Sekiu River. [Order 910, § 220-57-079, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-420.
		220-57-080	Personal use fishery—Serene, Lake. [Order 1193, § 220-57-080, filed 3/4/75; Order 1186, § 220-57-080, filed 1/13/75; Order 1101, § 220-57-080, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-080, filed

	12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-150.		
220-57-081	Personal use fishery—Skagit River. [Order 1186, § 220-57-081, filed 1/13/75; Order 1039, § 220-57-081, filed 12/22/72; Order 978, § 220-57-081, filed 12/10/71; Order 910, § 220-57-081, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-425.	220-57-097	Personal use fishery—Washington Ship Canal, Lake (Including Lake Union). [Order 1039, § 220-57-097, filed 12/22/72; Order 910, § 220-57-097, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-180.
220-57-082	Personal use fishery—Skokomish River. [Order 1101, § 220-57-082, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-082, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-430.	220-57-098	Personal use fishery—Washougal River. [Order 1186, § 220-57-098, filed 1/13/75; Order 1039, § 220-57-098, filed 12/22/72; Order 910, § 220-57-098, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-495.
220-57-083	Personal use fishery—Skykomish River. [Order 1039, § 220-57-083, filed 12/22/72; Order 910, § 220-57-083, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-435.	220-57-099	Personal use fishery—West Twin River. [Order 910, § 220-57-099, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-500.
220-57-084	Personal use fishery—Smith Creek (Pacific County). [Order 1101, § 220-57-084, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-084, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-440.	220-57-100	Personal use fishery—White Salmon River. [Order 910, § 220-57-100, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-505.
220-57-085	Personal use fishery—Snake River. [Order 910, § 220-57-085, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-445.	220-57-101	Personal use fishery—Lake Wilderness (King County). [Order 1186, § 220-57-101, filed 1/13/75; Order 1101, § 220-57-101, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-101, filed 12/22/72; Order 910, § 220-57-101, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-185.
220-57-086	Personal use fishery—Snohomish River. [Order 1186, § 220-57-086, filed 1/13/75; Order 910, § 220-57-086, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-450.	220-57-102	Personal use fishery—Willapa River. [Order 1186, § 220-57-102, filed 1/13/75; Order 1101, § 220-57-102, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-102, filed 12/22/72; Order 910, § 220-57-102, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-510.
220-57-087	Personal use fishery—Snoqualmie River. [Order 910, § 220-57-087, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-455.	220-57-103	Personal use fishery—Wind River. [Order 1039, § 220-57-103, filed 12/22/72; Order 910, § 220-57-103, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-515.
220-57-088	Personal use fishery—Soleduck River. [Order 1186, § 220-57-088, filed 1/13/75; Order 1101, § 220-57-088, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-088, filed 12/22/72; Order 910, § 220-57-088, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-460.	220-57-104	Personal use fishery—Wishkah River. [Order 1221, § 220-57-104, filed 7/1/75; Order 1186, § 220-57-104, filed 1/13/75; Order 1101, § 220-57-104, filed 11/14/73, effective 1/1/74; Order 910, § 220-57-104, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-520.
220-57-089	Personal use fishery—Stillaguamish River. [Order 1186, § 220-57-089, filed 1/13/75; Order 1101, § 220-57-089, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-089, filed 12/22/72; Order 910, § 220-57-089, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-465.	220-57-105	Personal use fishery—Wynoochee River. [Order 1101, § 220-57-105, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-105, filed 12/22/72; Order 910, § 220-57-105, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-525.
220-57-090	Personal use fishery—Storm Lake (Snohomish County). [Order 1101, § 220-57-090, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-090, filed 12/22/72; Order 910, § 220-57-090, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-170.	220-57-106	Personal use fishery—Bear River. [Order 1039, § 220-57-106, filed 12/22/72.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-120.
220-57-091	Personal use fishery—Tahuya River. [Order 910, § 220-57-091, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-470.	220-57-107	Personal use fishery—American Lake (Pierce County). [Order 1186, § 220-57-107, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-005.
220-57-092	Personal use fishery—Tolt River. [Order 910, § 220-57-092, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-475.	220-57-108	Personal use fishery—Banks Lake (Grant County). [Order 1186, § 220-57-108, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-015.
220-57-093	Personal use fishery—Toutle River. [Order 1186, § 220-57-093, filed 1/13/75; Order 1101, § 220-57-093, filed 11/14/73, effective 1/1/74; Order 1039, § 220-57-093, filed 12/22/72; Order 978, § 220-57-093, filed 12/10/71; Order 910, § 220-57-093, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-480.	220-57-109	Personal use fishery—Campbell Lake (Skagit County). [Order 1186, § 220-57-109, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-025.
220-57-094	Personal use fishery—Tucannon River. [Order 910, § 220-57-094, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-485.	220-57-110	Personal use fishery—Chelan, Lake (Chelan County). [Order 1186, § 220-57-110, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-035.
220-57-095	Personal use fishery—Union River. [Order 910, § 220-57-095, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-490.	220-57-111	Personal use fishery—Cispus River. [Order 1186, § 220-57-111, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57-145.
220-57-096	Personal use fishery—Washington, Lake. [Order 1039, § 220-57-096, filed 12/22/72; Order 978, § 220-57-096, filed 12/10/71; Order 910, § 220-57-096, filed 12/28/70.] Repealed by Order 76-14, filed 3/15/76,	220-57-112	Personal use fishery—Duck Lake (Grays Harbor County). [Order 1186, § 220-57-112, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-065.
		220-57-113	Personal use fishery—Green Lake (King County). [Order 1186, § 220-57-113, filed 1/13/75.] Repealed by

- Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-085.
- 220-57-114 Personal use fishery—Hewitt Lake (Thurston County). [Order 1186, § 220-57-114, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-090.
- 220-57-115 Personal use fishery—East Medical Lake (Spokane County). [Order 1186, § 220-57-115, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-070.
- 220-57-116 Personal use fishery—Roosevelt Lake (Ferry County). [Order 1186, § 220-57-116, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-140.
- 220-57-117 Personal use fishery—Shoecraft Lake (Snohomish County). [Order 1193, § 220-57-117, filed 3/4/75; Order 1186, § 220-57-117, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-155.
- 220-57-118 Personal use fishery—Sprague Lake (Lincoln County). [Order 1186, § 220-57-118, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-160.
- 220-57-119 Personal use fishery—Wynoochee Reservoir (Grays Harbor County). [Order 1186, § 220-57-119, filed 1/13/75.] Repealed by Order 76-14, filed 3/15/76, effective 5/1/76. Later promulgation, see WAC 220-57A-190.
- 220-57-120 Bear River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-120, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-120, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-120, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-120, filed 3/16/89; 84-09-026 (Order 84-22), § 220-57-120, filed 4/11/84; 82-07-047 (Order 82-19), § 220-57-120, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-120, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-120, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-120, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-106.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-125 Big Beef Creek. [Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-57-125, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-125, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-003.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-130 Bogachiel River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-57-130, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-130, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-130, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-130, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-130, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-130, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-130, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-130, filed 4/21/87; 85-09-017 (Order 85-20), § 220-57-130, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57-130, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-130, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-130, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-130, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-130, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-130, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-130, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-004.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-135 Calawah River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-135, filed 7/20/99, effective 8/20/99; 97-18-035, § 220-57-135, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-135, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-135, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-135, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-135, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-135, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-135, filed 4/21/87; 85-09-048 (Order 85-33), § 220-57-135, filed 4/16/85; 84-09-026 (Order 84-22), § 220-57-135, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-135, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-135, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-135, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-135, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-135, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-135, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-006.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-137 Carbon River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-137, filed 7/20/99, effective 8/20/99; 97-18-035, § 220-57-137, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-137, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-137, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-57-137, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-57-137, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-137, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-137, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-137, filed 1/30/79, effective 4/1/79.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-13701 Cascade River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-13701, filed 7/20/99, effective 8/20/99; 97-18-035, § 220-57-13701, filed 8/27/97, effective 9/27/97.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-138 Chambers Creek. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-138, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57-138, filed 4/9/86; 83-07-043 (Order 83-16), § 220-57-138, filed 3/17/83; 82-13-040 (Order 82-61), § 220-57-138, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-138, filed 2/17/81, effective 4/1/81.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-140 Chehalis River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-140, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-140, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-140, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-140, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-140, filed 7/1/94, effective 8/1/94; 90-06-026, § 220-57-140, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-57-140, filed 3/16/89; 86-09-020 (Order 86-08), § 220-57-140, filed 4/9/86; 84-08-024 (Order 84-25), § 220-57-140, filed 3/28/84; 83-07-043 (Order 83-16), § 220-57-140, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-140, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-140, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-140, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-140, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-140, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-008.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-145 Cispus River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-145, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-57-145, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-145, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-111.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-150 Clallam River. [Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-57-150, filed 3/16/89; 84-09-026 (Order 84-22), § 220-57-150, filed 4/11/84; 82-13-040 (Order 82-61), § 220-57-150, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-150, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57-150, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-009.]

- Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-155 Clearwater River (Jefferson County). [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-155, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-155, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-155, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-155, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-155, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-155, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-155, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-155, filed 4/21/87; 84-09-026 (Order 84-22), § 220-57-155, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-155, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-155, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-155, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-155, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-155, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-155, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-010.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-160 Columbia River. [Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-57-160, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-57-160, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-160, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-57-160, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-160, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-57-160, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-57-160, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-57-160, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-57-160, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-57-160, filed 2/28/90, effective 3/31/90; 89-15-022 (Order 89-56), § 220-57-160, filed 7/12/89; 89-07-060 (Order 89-12), § 220-57-160, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-160, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-160, filed 4/21/87; 86-09-020 (Order 86-08), § 220-57-160, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57-160, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57-160, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-160, filed 3/17/83; 82-13-040 (Order 82-61), § 220-57-160, filed 6/9/82; 82-07-047 (Order 82-19), § 220-57-160, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-160, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-160, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-160, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-160, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-160, filed 3/15/76 and 3/24/76, effective 5/1/76. Formerly WAC 220-57-011.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-165 Copalis River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-165, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 97-20-071 (Order 97-202), § 220-57-165, filed 9/25/97, effective 10/26/97; 95-12-027 (Order 95-46), § 220-57-165, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-165, filed 3/16/89; 80-03-064 (Order 80-12), § 220-57-165, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-165, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-165, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-012.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-170 Cowlitz River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-170, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-170, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-170, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-170, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-170, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-57-170, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-57-170, filed 5/12/92, effective 6/12/92; 87-09-066 (Order 87-16), § 220-57-170, filed 4/21/87; 86-09-020 (Order 86-08), § 220-57-170, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57-170, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57-170, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-170, filed 3/17/83; 82-13-040 (Order 82-61), § 220-57-170, filed 6/9/82; 82-07-047 (Order 82-19), § 220-57-170, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-170, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-170, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-170, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-022.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-175 Curley Creek (Kitsap County). [Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-57-180, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-180, filed 6/9/82; Order 76-14, § 220-57-180, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-015.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-180 Dakota Creek. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-181, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-181, filed 3/16/89; 83-07-043 (Order 83-16), § 220-57-181, filed 3/17/83.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-181 Deep Creek (Clallam County). [Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-57-185, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-185, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-185, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57-185, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-018.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-185 Deep River (Wahkiakum County). [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-187, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-187, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-20-071 (Order 97-202), § 220-57-187, filed 9/25/97, effective 10/26/97.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-187 Deschutes River. [Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-57-190, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-190, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-190, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-190, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-190, filed 6/9/82; 80-03-064 (Order 80-12), § 220-57-190, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-190, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-190, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-021.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-190 Dewatto Creek. [Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-57-195, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 91-14-047 (Order 91-41), § 220-57-195, filed 6/27/91, effective 7/28/91; 89-07-060 (Order 89-12), § 220-57-195, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-195, filed 6/9/82; Order 76-14, § 220-57-195, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-022.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-195

220-57-200	Dickey River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-200, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-200, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-200, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-200, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-200, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-200, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-200, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-200, filed 4/26/88; 86-09-020 (Order 86-08), § 220-57-200, filed 4/9/86; 84-09-026 (Order 84-22), § 220-57-200, filed 4/11/84; 79-02-052 (Order 79-7), § 220-57-200, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57-200, filed 2/21/78, effective 4/1/78; Order 76-14, § 220-57-200, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-023.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-205	Dosewallips River. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-205, filed 5/31/95, effective 7/1/95; 92-11-012 (Order 92-19), § 220-57-205, filed 5/12/92, effective 6/12/92; 91-14-047 (Order 91-41), § 220-57-205, filed 6/27/91, effective 7/28/91; 89-07-060 (Order 89-12), § 220-57-205, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-205, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-205, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-205, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-205, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-024.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-210	Duckabush River. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-210, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-210, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-57-210, filed 6/29/93, effective 7/30/93; 92-11-012 (Order 92-19), § 220-57-210, filed 5/12/92, effective 6/12/92; 91-14-047 (Order 91-41), § 220-57-210, filed 6/27/91, effective 7/28/91; 89-07-060 (Order 89-12), § 220-57-210, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-210, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-210, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-210, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-210, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-026.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-215	Dungeness River. [Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-215, filed 5/13/96, effective 6/13/96; 94-14-069, § 220-57-215, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-215, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-215, filed 4/21/87; 85-09-017 (Order 85-20), § 220-57-215, filed 4/9/85; 83-07-043 (Order 83-16), § 220-57-215, filed 3/17/83; 82-13-040 (Order 82-61), § 220-57-215, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-215, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-215, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-215, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-215, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-027.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-220	Duwamish River. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-220, filed 5/31/95, effective 7/1/95; 90-06-026, § 220-57-220, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-57-220, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-220, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-220, filed 4/21/87; 86-09-020 (Order 86-08), § 220-57-220, filed 4/9/86; 83-07-043 (Order 83-16), § 220-57-220, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-220, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-220, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-220, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-220, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-220, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-220, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-028.] Repealed by 99-15-081 (Order 99-102),	
220-57-225	East Twin River. [Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-57-225, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-225, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-225, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57-225, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-029.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-230	Elk River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-230, filed 7/20/99, effective 8/20/99; 97-18-035, § 220-57-230, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-230, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-230, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-230, filed 4/26/88; 84-09-026 (Order 84-22), § 220-57-230, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-230, filed 3/17/83; 81-05-027 (Order 81-13), § 220-57-230, filed 2/17/81, effective 4/1/81; Order 77-3, § 220-57-230, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-230, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-030.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-235	Elochoman River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-235, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-235, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-57-235, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-235, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-235, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-235, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-57-235, filed 3/31/93, effective 5/1/93; 87-09-066 (Order 87-16), § 220-57-235, filed 4/21/87; 86-09-020 (Order 86-08), § 220-57-235, filed 4/9/86; 83-07-043 (Order 83-16), § 220-57-235, filed 3/17/83; 81-05-027 (Order 81-13), § 220-57-235, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-235, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-235, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-235, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-031.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-240	Elwha River. [Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-57-240, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-240, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-240, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-240, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-240, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-240, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-240, filed 4/21/87; 82-13-040 (Order 82-61), § 220-57-240, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-240, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-240, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-240, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-240, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-032.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-245	Grande Ronde River. [Order 77-3, § 220-57-245, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-245, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-035.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-250	Grays River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-250, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-250, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-250, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-250, filed 5/31/95, effective	



	tive 7/1/95; 94-14-069, § 220-57-250, filed 7/1/94, effective 8/1/94; 87-09-066 (Order 87-16), § 220-57-250, filed 4/21/87; 80-03-064 (Order 80-12), § 220-57-250, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-250, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-036.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	
220-57-255	Green River (Cowlitz County). [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-255, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-255, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-255, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-255, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-255, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-57-255, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-57-255, filed 5/12/92, effective 6/12/92; 82-07-047 (Order 82-19), § 220-57-255, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-255, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-255, filed 2/27/80, effective 4/1/80; 78-03-034 (Order 78-8), § 220-57-255, filed 2/21/78, effective 4/1/78; Order 76-14, § 220-57-255, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-037.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57-275
220-57-260	Green (Duwamish) River (King County). [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-260, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-260, filed 5/31/95, effective 7/1/95; 90-06-026, § 220-57-260, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-57-260, filed 3/16/89; 86-09-020 (Order 86-08), § 220-57-260, filed 4/9/86; 83-07-043 (Order 83-16), § 220-57-260, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-260, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-260, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-260, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-260, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-260, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-260, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-038.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57-285
220-57-265	Hamma Hamma River. [Statutory Authority: RCW 75.08.080. 91-14-047 (Order 91-41), § 220-57-265, filed 6/27/91, effective 7/28/91; 89-07-060 (Order 89-12), § 220-57-265, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-265, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-265, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-265, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-265, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-039.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57-290
220-57-270	Hoh River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-270, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-270, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-270, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-270, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-270, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-57-270, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-270, filed 4/21/87; 84-09-026 (Order 84-22), § 220-57-270, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-270, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-270, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-270, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-270, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-270, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57-270, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-270, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-270, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-040.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57-295
		220-57-300



- 300, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-300, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-300, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-300, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-300, filed 4/21/87; 84-09-026 (Order 84-22), § 220-57-300, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-300, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-300, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-300, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-300, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-300, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-300, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-046.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-305 Kalaloch Creek. [Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-305, filed 5/31/95, effective 7/1/95; 79-02-052 (Order 79-7), § 220-57-305, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-305, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-047.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-310 Kalama River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-310, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-310, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-57-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-57-310, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-57-310, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-310, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-310, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-57-310, filed 3/31/93, effective 5/1/93; 87-09-066 (Order 87-16), § 220-57-310, filed 4/21/87; 85-09-017 (Order 85-20), § 220-57-310, filed 4/9/85; 82-07-047 (Order 82-19), § 220-57-310, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-310, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-310, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-310, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57-310, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-310, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-310, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-048.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-313 Kennedy Creek. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-313, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-313, filed 5/31/95, effective 7/1/95; 91-08-054 (Order 91-13), § 220-57-313, filed 4/2/91, effective 5/3/91.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-315 Klickitat River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-315, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-315, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-315, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-57-315, filed 3/31/93, effective 5/1/93; 87-09-066 (Order 87-16), § 220-57-315, filed 4/21/87; 83-07-043 (Order 83-16), § 220-57-315, filed 3/17/83; 82-14-090 (Order 82-75), § 220-57-315, filed 7/7/82; 82-07-047 (Order 82-19), § 220-57-315, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-315, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-315, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-315, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-049.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-319 Lewis River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-319, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-319, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-57-319, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-57-319, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-57-319, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-319, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-319, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-57-319, filed 3/31/93, effective 5/1/93; 86-09-020 (Order 86-08), § 220-57-319, filed 4/9/86; 84-09-026 (Order 84-22), § 220-57-319, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-319, filed 3/17/83; 81-05-027 (Order 81-13), § 220-57-319, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-319, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-319, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-319, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-050 (part).] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-320 Lewis River (North Fork). [Statutory Authority: RCW 75.08.080, 78-03-034 (Order 78-8), § 220-57-320, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-320, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-320, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-050(part).] Repealed by 83-10-023 (Order 83-34), filed 4/28/83. Statutory Authority: RCW 75.08.080.
- 220-57-321 Little White Salmon River (Drano Lake). [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-321, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-321, filed 5/31/95, effective 7/1/95.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-325 Lyre River. [Statutory Authority: RCW 75.08.080, 89-07-060 (Order 89-12), § 220-57-325, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-325, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-325, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57-325, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-052.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-326 McAllister Creek. [Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-326, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-326, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-326, filed 6/9/82.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-327 McLane Creek. [Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-327, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-327, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-327, filed 4/26/88; 83-07-043 (Order 83-16), § 220-57-327, filed 3/17/83.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-330 Morse Creek (Clallam County). [Statutory Authority: RCW 75.08.080, 89-07-060 (Order 89-12), § 220-57-330, filed 3/16/89; 83-07-043 (Order 83-16), § 220-57-330, filed 3/17/83; 82-13-040 (Order 82-61), § 220-57-330, filed 6/9/82; Order 76-14, § 220-57-330, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-056.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-335 Naselle River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-335, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-335, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-335, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-335, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-335, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-335, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-335, filed 4/21/87; 86-09-020 (Order 86-08), § 220-57-335, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57-335, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57-335, filed 4/11/84; 80-03-064 (Order 80-12), § 220-57-335, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-335, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-057.] Repealed by 00-16-091 (Order 00-134), filed

- 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-340 Nemah River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-340, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-340, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-340, filed 5/31/95, effective 7/1/95; 91-08-054 (Order 91-13), § 220-57-340, filed 4/2/91, effective 5/3/91; 89-07-060 (Order 89-12), § 220-57-340, filed 3/16/89; 84-09-026 (Order 84-22), § 220-57-340, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-340, filed 3/17/83; 80-03-064 (Order 80-12), § 220-57-340, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-340, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-340, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-058.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-341 Newaukum River—Including south fork. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-341, filed 7/20/99, effective 8/20/99.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-342 Niawiakum River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-342, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-342, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-342, filed 3/16/89.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-345 Nisqually River. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-345, filed 5/31/95, effective 7/1/95; 82-13-040 (Order 82-61), § 220-57-345, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-345, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-345, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-345, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-345, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-059.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-350 Nooksack River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-350, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-350, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-57-350, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-350, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-350, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-350, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-57-350, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-57-350, filed 3/16/89; 86-09-020 (Order 86-08), § 220-57-350, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57-350, filed 4/9/85; 83-07-043 (Order 83-16), § 220-57-350, filed 3/17/83; 82-13-040 (Order 82-61), § 220-57-350, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-350, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-350, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-350, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-350, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-060.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-355 North River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-355, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-355, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-355, filed 5/31/95, effective 7/1/95; Order 76-14, § 220-57-355, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-061.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-360 Ozette River. [Order 76-14, § 220-57-360, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-063.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-57-365 Palix River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-365, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-365, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-365, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-365, filed 3/16/89; 84-09-026 (Order 84-22), § 220-57-365, filed 4/11/84; Order 76-14, § 220-57-365, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-064.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-370 Puyallup River. [Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-370, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-370, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-370, filed 5/31/95, effective 7/1/95; 93-15-011, § 220-57-370, filed 7/8/93, effective 8/8/93; 89-07-060 (Order 89-12), § 220-57-370, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-370, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-370, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-370, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-370, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-370, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-370, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-066.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-375 Pysht River. [Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-57-375, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-375, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-375, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57-375, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-067.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-380 Quilcene (Big Quilcene) River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-380, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 93-08-034 (Order 93-20), § 220-57-380, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-57-380, filed 3/16/89; 88-10-012 (Order 88-14), § 220-57-380, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-380, filed 4/21/87; 82-07-047 (Order 82-19), § 220-57-380, filed 3/18/82; Order 77-3, § 220-57-380, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-380, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-069.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-385 Quillayute River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-57-385, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-385, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-385, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-385, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-385, filed 7/1/94, effective 8/1/94; 92-11-012 (Order 92-19), § 220-57-385, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-57-385, filed 4/2/91, effective 5/3/91; 89-07-060 (Order 89-12), § 220-57-385, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-385, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-385, filed 4/21/87; 85-09-048 (Order 85-33), § 220-57-385, filed 4/16/85; 84-09-026 (Order 84-22), § 220-57-385, filed 4/11/84; 82-07-047 (Order 82-19), § 220-57-385, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-385, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-385, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-385, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57-385, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-385, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-385, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-070.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-390 Quinault River. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-390, filed 5/31/95, effective 7/1/95; 83-07-043 (Order 83-16), § 220-57-390, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-390, filed 3/18/82; Order 76-14, § 220-57-390, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-071.]

- Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-395 Salmon Creek (Clark County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-395, filed 5/31/95, effective 7/1/95; Order 76-14, § 220-57-395, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-073.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-400 Salmon River (Jefferson County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-400, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-400, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-400, filed 3/16/89; 85-09-017 (Order 85-20), § 220-57-400, filed 4/9/85; 80-03-064 (Order 80-12), § 220-57-400, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-400, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-400, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-400, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-074.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-405 Samish River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-405, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-405, filed 5/31/95, effective 7/1/95; 92-11-012 (Order 92-19), § 220-57-405, filed 5/12/92, effective 6/12/92; 89-07-060 (Order 89-12), § 220-57-405, filed 3/16/89; 82-07-047 (Order 82-19), § 220-57-405, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-405, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-405, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-405, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-405, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-075.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-410 Sammamish River (Slough). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-410, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-410, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-410, filed 4/21/87; 82-13-040 (Order 82-61), § 220-57-410, filed 6/9/82; Order 77-3, § 220-57-410, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-410, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-077.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-415 Satsop River—Mainstem and east fork. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-415, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-415, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-415, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-415, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-415, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-415, filed 4/21/87; 83-07-043 (Order 83-16), § 220-57-415, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-415, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-415, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-415, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-415, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-078.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-420 Sekiu River. [Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-57-420, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-420, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-420, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57-420, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-079.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-425 Skagit River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-425, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-425, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-425, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-425, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-425, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-425, filed 7/1/94, effective 8/1/94; 92-11-012 (Order 92-19), § 220-57-425, filed 5/12/92, effective 6/12/92; 89-07-060 (Order 89-12), § 220-57-425, filed 3/16/89; 86-09-020 (Order 86-08), § 220-57-425, filed 4/9/86; 82-13-040 (Order 82-61), § 220-57-425, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-425, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-425, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-425, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-425, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-425, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-083.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-427 Skamokawa Creek. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-427, filed 5/31/95, effective 7/1/95; 82-07-047 (Order 82-19), § 220-57-427, filed 3/18/82.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-430 Skokomish River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-430, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-430, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-430, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-430, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-430, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-57-430, filed 6/29/93, effective 7/30/93; 92-11-012 (Order 92-19), § 220-57-430, filed 5/12/92, effective 6/12/92; 91-14-047 (Order 91-41), § 220-57-430, filed 6/27/91, effective 7/28/91; 89-07-060 (Order 89-12), § 220-57-430, filed 3/16/89; 84-09-026 (Order 84-22), § 220-57-430, filed 4/11/84; 82-13-040 (Order 82-61), § 220-57-430, filed 6/9/82; Order 77-3, § 220-57-430, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-430, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-082.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-432 Skookumchuck River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-57-432, filed 7/15/98, effective 8/15/98.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-435 Skykomish River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-435, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-435, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-435, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-435, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-435, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-435, filed 7/1/94, effective 8/1/94; 92-11-012 (Order 92-19), § 220-57-435, filed 5/12/92, effective 6/12/92; 89-07-060 (Order 89-12), § 220-57-435, filed 3/16/89; 86-09-020 (Order 86-08), § 220-57-435, filed 4/9/86; 82-13-040 (Order 82-61), § 220-57-435, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-435, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-435, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-435, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-435, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-435, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-083.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-440 Smith Creek (Pacific County). [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-440, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-440, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-440, filed 3/16/89; 84-09-026 (Order 84-22), § 220-57-440, filed 4/11/84; 80-03-064 (Order 80-12), § 220-57-440, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-440,

- filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-084.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-445 Snake River. [Statutory Authority: RCW 75.08.080, 93-08-034 (Order 93-20), § 220-57-445, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-57-445, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-445, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-445, filed 4/21/87; Order 77-3, § 220-57-445, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-445, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-085.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-450 Snohomish River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-450, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-450, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-20-071 (Order 97-202), § 220-57-450, filed 9/25/97, effective 10/26/97; 96-11-078 (Order 96-44), § 220-57-450, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-450, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-450, filed 7/1/94, effective 8/1/94; 92-11-012 (Order 92-19), § 220-57-450, filed 5/12/92, effective 6/12/92; 89-07-060 (Order 89-12), § 220-57-450, filed 3/16/89; 86-09-020 (Order 86-08), § 220-57-450, filed 4/9/86; 82-13-040 (Order 82-61), § 220-57-450, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-450, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-450, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-450, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-450, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-086.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-455 Snoqualmie River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-57-455, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-57-455, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-20-071 (Order 97-202), § 220-57-455, filed 9/25/97, effective 10/26/97; 96-11-078 (Order 96-44), § 220-57-455, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-455, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-455, filed 7/1/94, effective 8/1/94; 92-11-012 (Order 92-19), § 220-57-455, filed 5/12/92, effective 6/12/92; 89-07-060 (Order 89-12), § 220-57-455, filed 3/16/89; 86-09-020 (Order 86-08), § 220-57-455, filed 4/9/86; 82-13-040 (Order 82-61), § 220-57-455, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-455, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-455, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-455, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57-455, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-455, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-087.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-460 Sol Duc River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-57-460, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-57-460, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-57-460, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-460, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-57-460, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-57-460, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-57-460, filed 4/2/91, effective 5/3/91; 89-07-060 (Order 89-12), § 220-57-460, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57-460, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-460, filed 4/21/87; 85-09-048 (Order 85-33), § 220-57-460, filed 4/16/85; 84-09-026 (Order 84-22), § 220-57-460, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-460, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-460, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-460, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-460, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-460, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57-460, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-460, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-460, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-088.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-462 Soos Creek. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-462, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-462, filed 7/15/98, effective 8/15/98.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-465 Stillaguamish River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-465, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-465, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-57-465, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-57-465, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-465, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-465, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-57-465, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-57-465, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-57-465, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-57-465, filed 3/16/89; 85-09-017 (Order 85-20), § 220-57-465, filed 4/9/85; 82-13-040 (Order 82-61), § 220-57-465, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-465, filed 2/17/81, effective 4/1/81; 79-02-052 (Order 79-7), § 220-57-465, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57-465, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-089.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-470 Tahuya River. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-470, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080, 91-14-047 (Order 91-41), § 220-57-470, filed 6/27/91, effective 7/28/91; 89-07-060 (Order 89-12), § 220-57-470, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-470, filed 6/9/82; Order 76-14, § 220-57-470, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-091.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-473 Tilton River. [Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-57-473, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-473, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-473, filed 7/1/94, effective 8/1/94; 87-09-066 (Order 87-16), § 220-57-473, filed 4/21/87; 84-09-026 (Order 84-22), § 220-57-473, filed 4/11/84; 80-03-064 (Order 80-12), § 220-57-473, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-473, filed 1/30/79, effective 4/1/79.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-475 Tolt River. [Statutory Authority: RCW 75.08.080, 89-07-060 (Order 89-12), § 220-57-475, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-475, filed 6/9/82; Order 76-14, § 220-57-475, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-092.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-480 Toutle River—North Fork. [Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-57-480, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-480, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 220-57-480, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-57-480, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-480, filed 7/1/94, effective 8/1/94; 82-07-047 (Order 82-19), § 220-57-480, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57-480, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57-480, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-480, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57-480, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-480, filed 1/28/77, effective 3/1/77; Order

- 76-14, § 220-57-480, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-093.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-485 Tucannon River. [Statutory Authority: RCW 75.08.080. 83-07-043 (Order 83-16), § 220-57-485, filed 3/17/83; 80-03-064 (Order 80-12), § 220-57-485, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-57-485, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-485, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-094.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-490 Union River. [Statutory Authority: RCW 75.08.080. 94-14-069, § 220-57-490, filed 7/1/94, effective 8/1/94; 92-11-012 (Order 92-19), § 220-57-490, filed 5/12/92, effective 6/12/92; 91-14-047 (Order 91-41), § 220-57-490, filed 6/27/91, effective 7/28/91; 89-07-060 (Order 89-12), § 220-57-490, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-490, filed 6/9/82; Order 76-14, § 220-57-490, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-095.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-493 Wallace River. [Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-493, filed 8/27/97, effective 9/27/97.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-495 Washougal River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-495, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-495, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-57-495, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-495, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-57-495, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-57-495, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-495, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-57-495, filed 3/31/93, effective 5/1/93; 88-10-013 (Order 88-15), § 220-57-495, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-495, filed 4/21/87; 85-09-017 (Order 85-20), § 220-57-495, filed 4/9/85; 83-07-043 (Order 83-16), § 220-57-495, filed 3/17/83; 80-03-064 (Order 80-12), § 220-57-495, filed 2/27/80, effective 4/1/80; Order 77-3, § 220-47-495 (codified WAC 220-57-495), filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-495, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-098.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-497 Wenatchee River. [Statutory Authority: RCW 75.08.-080. 95-12-027 (Order 95-46), § 220-57-497, filed 5/31/95, effective 7/1/95; 91-08-054 (Order 91-13), § 220-57-497, filed 4/2/91, effective 5/3/91; 90-06-044 (Order 90-14), § 220-57-497, filed 3/1/90, effective 4/1/90.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-500 West Twin River. [Statutory Authority: RCW 75.08.-080. 89-07-060 (Order 89-12), § 220-57-500, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57-500, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57-500, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57-500, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-099.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-502 Whatcom Creek. [Statutory Authority: RCW 75.08.-080. 95-12-027 (Order 95-46), § 220-57-502, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-502, filed 3/16/89; 85-09-017 (Order 85-20), § 220-57-502, filed 4/9/85.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-505 White Salmon River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-505, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-505, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-505, filed 5/31/95, effective 7/1/95; 90-06-026, § 220-57-505, filed 2/28/90, effective 3/31/90; 88-10-013 (Order 88-15), § 220-57-505, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57-505, filed 4/21/87; 85-09-017 (Order 85-20), § 220-57-505, filed 4/9/85; 82-07-047 (Order 82-19), § 220-57-505, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-505, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-505, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-100.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-510 Willapa River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-510, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-510, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-510, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57-510, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-510, filed 4/21/87; 85-09-017 (Order 85-20), § 220-57-510, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57-510, filed 4/11/84; 80-03-064 (Order 80-12), § 220-57-510, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-510, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-102.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-515 Wind River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-515, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-515, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-515, filed 5/31/95, effective 7/1/95; 88-10-013 (Order 88-15), § 220-57-515, filed 4/26/88; 83-07-043 (Order 83-16), § 220-57-515, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-515, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-515, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57-515, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57-515, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57-515, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57-515, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-103.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-520 Wishkah River. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-520, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57-520, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-520, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-520, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-520, filed 4/21/87; 84-09-026 (Order 84-22), § 220-57-520, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-520, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57-520, filed 3/18/82; Order 76-14, § 220-57-520, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-104.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57-525 Wynoochee River. [Statutory Authority: RCW 75.08.-080 and 77.12.040. 99-15-081 (Order 99-102), § 220-57-525, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-57-525, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57-525, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.-080. 95-12-027 (Order 95-46), § 220-57-525, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-57-525, filed 7/1/94, effective 8/1/94; 89-07-060 (Order 89-12), § 220-57-525, filed 3/16/89; 87-09-066 (Order 87-16), § 220-57-525, filed 4/21/87; 84-09-026 (Order 84-22), § 220-57-525, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57-525, filed 3/17/83; 82-14-090 (Order 82-75), § 220-57-525, filed 7/7/82; 82-07-047 (Order 82-19), § 220-57-525, filed 3/18/82; 80-03-064 (Order 80-12), § 220-57-525, filed 2/27/80, effective 4/1/80; Order 76-14, § 220-57-525, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-105.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.

**Chapter 220-57A  
FRESH WATER LAKES**

220-57A-001	General provisions—Lakes. [Statutory Authority: RCW 75.08.080. 96-05-004 (Order 96-13), § 220-57A-001, filed 2/9/96, effective 5/1/96; 95-12-027 (Order 95-46), § 220-57A-001, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-001, filed 4/9/86.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-035	Chelan Lake (Chelan County). [Statutory Authority: RCW 75.08.080. 96-05-004 (Order 96-13), § 220-57A-035, filed 2/9/96, effective 5/1/96; 95-12-027 (Order 95-46), § 220-57A-035, filed 5/31/95, effective 7/1/95; 91-08-054 (Order 91-13), § 220-57A-035, filed 4/2/91, effective 5/3/91; 86-09-020 (Order 86-08), § 220-57A-035, filed 4/9/86; Order 76-14, § 220-57A-035, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-110.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-57A-005	American Lake (Pierce County). [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-57A-005, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-005, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-005, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-005, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-005, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-005, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-107.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-037	Clear Lake (Pierce County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-037, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-037, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57A-037, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57A-037, filed 4/11/84.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-57A-010	Armstrong Lake (Snohomish County). [Statutory Authority: RCW 75.08.080. 85-09-017 (Order 85-20), § 220-57A-010, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57A-010, filed 4/11/84; 81-05-027 (Order 81-13), § 220-57A-010, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-010, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-010, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-010, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-010, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-010, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-002.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-040	Cushman Lake (Mason County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-040, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-040, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57A-040, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57A-040, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57A-040, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57A-040, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57A-040, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-040, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-040, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-040, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-040, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-040, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-016.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-57A-012	Baker Lake (Whatcom County). [Statutory Authority: RCW 75.08.080. 94-14-069, § 220-57A-012, filed 7/1/94, effective 8/1/94; 86-09-020 (Order 86-08), § 220-57A-012, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57A-012, filed 4/9/85; 83-07-043 (Order 83-16), § 220-57A-012, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57A-012, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57A-012, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-012, filed 2/27/80, effective 4/1/80.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-045	Davissom Lake (Riffe) (Lewis County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-045, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-045, filed 4/9/86; Order 77-3, § 220-57A-045, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-045, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-017.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-57A-015	Banks Lake (Grant County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-015, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-015, filed 4/9/86; 83-07-043 (Order 83-16), § 220-57A-015, filed 3/17/83; Order 76-14, § 220-57A-015, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-108.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-050	Deep Lake (Grant County). [Order 76-14, § 220-57A-050, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-019.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-57A-017	Big Lake (Skagit County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-017, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-017, filed 4/9/86; 80-03-064 (Order 80-12), § 220-57A-017, filed 2/27/80, effective 4/1/80.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-055	Deep Lake (King County). [Order 76-14, § 220-57A-055, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-020.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-57A-020	Bosworth Lake. [Order 76-14, § 220-57A-020, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-005.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-060	Drano Lake. [Order 76-14, § 220-57A-060, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-025.] Repealed by 79-02-052 (Order 79-7), filed 1/30/79, effective 4/1/79. Statutory Authority: RCW 75.08.080.
220-57A-025	Campbell Lake (Skagit County). [Order 77-3, § 220-57A-025, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-025, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-109.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-065	Duck Lake (Grays Harbor County). [Statutory Authority: RCW 75.08.080. 84-09-026 (Order 84-22), § 220-57A-065, filed 4/11/84; 82-07-047 (Order 82-19), § 220-57A-065, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57A-065, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-065, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-065, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-065, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-065, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-065, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-112.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
220-57A-030	Capitol Lake. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-030, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57A-030, filed 3/16/89; 82-13-040 (Order 82-61), § 220-57A-030, filed 6/9/82; 78-03-034 (Order 78-8), § 220-57A-030, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-030, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-030, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-007.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.	220-57A-070	East Medical Lake (Spokane County). [Statutory Authority: RCW 75.08.080. 83-07-043 (Order 83-16), § 220-57A-070, filed 3/17/83; Order 77-3, § 220-57A-070, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-070, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-115.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
		220-57A-075	Flowing Lake (Snohomish County). [Order 76-14, § 220-57A-075, filed 4/5/76; Order 76-14, § 220-57A-075, filed 3/15/76 and 3/24/76, effective 5/1/76. For-

- merly WAC 220-57-033.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-080 Goodwin Lake (Snohomish County). [Statutory Authority: RCW 75.08.080. 90-06-026, § 220-57A-080, filed 2/28/90, effective 3/31/90; 86-09-020 (Order 86-08), § 220-57A-080, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57A-080, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57A-080, filed 4/11/84; 81-05-027 (Order 81-13), § 220-57A-080, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-080, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-080, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-080, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-080, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-080, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-034.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-082 (Upper) Goose Lake (Grant County). [Statutory Authority: RCW 75.08.080. 84-09-026 (Order 84-22), § 220-57A-082, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57A-082, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57A-082, filed 3/18/82.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-085 Green Lake (King County). [Statutory Authority: RCW 75.08.080. 83-07-043 (Order 83-16), § 220-57A-085, filed 3/17/83; Order 77-3, § 220-57A-085, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-085, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-113.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-090 Hewitt Lake (Thurston County). [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-57A-090, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57A-090, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-114.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-095 Hicks Lake (Thurston County). [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-57A-095, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-095, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-095, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-095, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-095, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-095, filed 3/15/76, effective 5/1/76.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-100 Lower Goose Lake (Grant County). [Order 76-14, § 220-57A-100, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-051.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-105 Martha Lake (Snohomish County). [Statutory Authority: RCW 75.08.080. 83-07-043 (Order 83-16), § 220-57A-105, filed 3/17/83; Order 77-3, § 220-57A-105, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-105, filed 4/5/76; Order 76-14, § 220-57A-105, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-053.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-110 Mayfield Lake (Lewis County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-110, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-110, filed 4/9/86; Order 76-14, § 220-57A-110, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-054.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-112 McMurray Lake (Skagit County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-112, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-112, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57A-112, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57A-112, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57A-112, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57A-112, filed 3/18/82.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-115 Meridian Lake (King County). [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-57A-115, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-115, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-115, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-115, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-115, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-115, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-055.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-120 Merwin Lake (Reservoir). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-120, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-120, filed 4/9/86; 84-09-026 (Order 84-22), § 220-57A-120, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57A-120, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57A-120, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57A-120, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-120, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-120, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-120, filed 2/21/78, effective 4/1/78; Order 76-14, § 220-57A-120, filed 3/15/76, effective 5/1/76.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-125 Ozette Lake. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-125, filed 5/31/95, effective 7/1/95; 78-03-034 (Order 78-8), § 220-57A-125, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-125, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-125, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-062.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-130 Park Lake (Grant County). [Order 76-14, § 220-57A-130, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-065.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-135 Roesiger Lake. [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-57A-135, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-135, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-135, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-57A-135, filed 3/24/76; Order 76-14, § 220-57A-135, filed 3/15/76 and 3/24/76, effective 5/1/76. Formerly WAC 220-57-072.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-140 Roosevelt Lake (Ferry County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-140, filed 5/31/95, effective 7/1/95; 86-09-020 (Order 86-08), § 220-57A-140, filed 4/9/86; Order 76-14, § 220-57A-140, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-116.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-145 Sammamish Lake. [Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57A-145, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-145, filed 5/31/95, effective 7/1/95; 82-13-040 (Order 82-61), § 220-57A-145, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57A-145, filed 2/17/81, effective 4/1/81; Order 77-3, § 220-57A-145, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-145, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-076.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-150 Serene Lake (Snohomish County). [Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-57A-150, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-150, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-57A-150, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-150, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-080.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-152 Shannon Reservoir (Skagit County). [Statutory Authority: RCW 75.08.080. 94-14-069, § 220-57A-152, filed 7/1/94, effective 8/1/94; 86-09-020 (Order 86-08), § 220-57A-152, filed 4/9/86; 85-09-017 (Order 85-20), § 220-57A-152, filed 4/9/85; 84-09-026 (Order 84-22), §



- 220-57A-152, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57A-152, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57A-152, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57A-152, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-152, filed 2/27/80, effective 4/1/80.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-155 Shoecraft Lake (Snohomish County). [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-57A-155, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-155, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-155, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-155, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-155, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-155, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-117.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-160 Sprague Lake (Lincoln County). [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-57A-160, filed 2/17/81, effective 4/1/81; Order 76-14, § 220-57A-160, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-118.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-165 St. Clair (Thurston County). [Statutory Authority: RCW 75.08.080. 83-07-043 (Order 83-16), § 220-57A-165, filed 3/17/83; Order 77-3, § 220-57A-165, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-165, filed 3/15/76, effective 5/1/76.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-170 Storm Lake (Snohomish County). [Order 76-14, § 220-57A-170, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-090.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-175 Lake Washington. [Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-57A-175, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-175, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-57A-175, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57A-175, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57A-175, filed 4/21/87; 82-13-040 (Order 82-61), § 220-57A-175, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57A-175, filed 2/17/81, effective 4/1/81; Order 77-3, § 220-57A-175, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-175, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-096.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-180 Washington Ship Canal, Lake (including Lake Union). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-180, filed 5/31/95, effective 7/1/95; 92-11-012 (Order 92-19), § 220-57A-180, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-57A-180, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-57A-180, filed 3/16/89; 88-10-013 (Order 88-15), § 220-57A-180, filed 4/26/88; 87-09-066 (Order 87-16), § 220-57A-180, filed 4/21/87; 83-07-043 (Order 83-16), § 220-57A-180, filed 3/17/83; 82-13-040 (Order 82-61), § 220-57A-180, filed 6/9/82; 81-05-027 (Order 81-13), § 220-57A-180, filed 2/17/81, effective 4/1/81; Order 77-3, § 220-57A-180, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-180, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-097.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-183 Lake Wenatchee. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-183, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-57A-183, filed 3/31/93, effective 5/1/93; 86-09-020 (Order 86-08), § 220-57A-183, filed 4/9/86.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-185 Wilderness Lake (King County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-185, filed 5/31/95, effective 7/1/95; 86-08-040 (Order 86-13), § 220-57A-185, filed 3/27/86; 85-09-017 (Order 85-20), § 220-57A-185, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57A-185, filed 4/11/84; 81-05-027 (Order 81-13), § 220-57A-185, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-185, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-185, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-185, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-57A-185, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-185, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-101.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-57A-190 Wynoochee Reservoir (Grays Harbor County). [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-57A-190, filed 5/31/95, effective 7/1/95; 86-08-040 (Order 86-13), § 220-57A-190, filed 3/27/86; 85-09-017 (Order 85-20), § 220-57A-190, filed 4/9/85; 84-09-026 (Order 84-22), § 220-57A-190, filed 4/11/84; 83-07-043 (Order 83-16), § 220-57A-190, filed 3/17/83; 82-07-047 (Order 82-19), § 220-57A-190, filed 3/18/82; 81-05-027 (Order 81-13), § 220-57A-190, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-57A-190, filed 2/27/80, effective 4/1/80; 79-02-052 (Order 79-7), § 220-57A-190, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-57A-190, filed 3/27/86, effective 4/1/78; Order 77-3, § 220-57A-190, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-57A-190, filed 3/15/76, effective 5/1/76. Formerly WAC 220-57-190.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.

#### Chapter 220-64 SEALS AND SEA LIONS

- 220-64-001 Promulgation. [Order 236 (part), filed 3/1/60.] Repealed by Order 988, filed 4/28/72.
- 220-64-010 Taking or killing lawful. [Order 236, § 1, filed 3/1/60.] Repealed by Order 988, filed 4/28/72.
- 220-64-020 Fetuses and the unborn excluded. [Order 236, § 5, filed 3/1/60.] Repealed by Order 988, filed 4/28/72.
- 220-64-030 Amount of bounty. [Order 236, § 2, filed 3/1/60.] Repealed by Order 988, filed 4/28/72.
- 220-64-040 Application for bounty—Proof of kill. [Order 236, §§ 3, 4 and 6, filed 3/1/60.] Repealed by Order 988, filed 4/28/72.
- 220-64-050 Bounty payments only for Washington kills. [Order 236, § 7, filed 3/1/60.] Repealed by Order 988, filed 4/28/72.
- 220-64-060 Disposal of evidence by director. [Order 236, § 8, filed 3/1/60.] Repealed by Order 988, filed 4/28/72.

#### Chapter 220-68 FISH RECEIVING TICKET BOOKS

- 220-68-001 Promulgation. [Order 282, Promulgation, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.
- 220-68-010 Tickets—Issuance, applicability, licenses, taxes and reports. [Order 282, § 1, subsections 1-7, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.
- 220-68-020 Ticket data—Signatures. [Order 282, § 2, subsections 1-11, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.
- 220-68-030 Ticket copies—Fisherman to furnish data. [Order 282, § 3, subsections 1-3, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.
- 220-68-040 Duties of receivers and purchasers. [Order 282, § 4, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.
- 220-68-050 Ticket books. [Order 282, § 5, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.
- 220-68-060 Misrepresentations—Forms. [Order 282, § 6, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.
- 220-68-070 Fishermen's cooperatives. [Order 282, § 7, filed 3/1/60.] Repealed by Order 640, filed 4/30/65. Later promulgation, see chapter 220-69 WAC.

#### Chapter 220-88A EMERGING COMMERCIAL FISHERY—PUGET SOUND SHRIMP

- 220-88A-010 Emerging commercial fishery—Puget Sound shrimp—Purpose. [Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-010, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-

220-88A-020	124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239. Designation of Puget Sound shrimp pot and Puget Sound shrimp trawl as emerging commercial fisheries. [Statutory Authority: RCW 75.08.080. 98-05-043, § 220-88A-020, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-020, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239.	220-105-025	2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-080. Fresh and saltwater angling. [Order 77-121, § 220-105-025, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-085.
220-88A-030	Emerging commercial fishery—Eligibility for Puget Sound shrimp pot experimental fishery permit. [Statutory Authority: RCW 75.08.080. 98-05-043, § 220-88A-030, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-030, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239.	220-105-030	Salmon angling license dealer. [Order 77-121, § 220-105-030, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-090.
220-88A-040	Emerging commercial fishery—Eligibility for Puget Sound shrimp trawl experimental fishery permit. [Statutory Authority: RCW 75.08.080. 98-05-043, § 220-88A-040, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-040, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239.	220-105-035	Salmon angling license distribution agent. [Order 77-121, § 220-105-035, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-095.
220-88A-050	Emerging commercial fishery—Puget Sound shrimp experimental fishery permits—Nontransferability—Primary operator participation requirement—Single alternate operator—Medical exception. [Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-050, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239.	220-105-040	Blind person. [Order 77-121, § 220-105-040, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-100.
220-88A-060	Emerging commercial fishery—Puget Sound shrimp—Shrimp districts. [Statutory Authority: RCW 75.08.080. 98-05-043, § 220-88A-060, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-060, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239.	220-105-045	License issuing procedures. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-105-045, filed 2/21/78, effective 4/1/78; Order 77-121, § 220-105-045, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-105.
220-88A-070	Emerging commercial fishery—Puget Sound shrimp pot experimental fishery—Seasons and gear—Spot prawn restriction. [Statutory Authority: RCW 75.08.080. 98-05-043, § 220-88A-070, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-88A-070, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-070, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239.	220-105-046	Bond requirements. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-105-046, filed 2/21/78, effective 4/1/78.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-110.
220-88A-080	Emerging commercial fishery—Puget Sound shrimp beam trawl experimental fishery—Seasons and gear. [Statutory Authority: RCW 75.08.080. 98-05-043, § 220-88A-080, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-88A-080, filed 3/31/97, effective 5/1/97; 94-19-001 (Order 94-96), § 220-88A-080, filed 9/7/94, effective 10/8/94. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-88A-080, filed 3/17/94, effective 4/17/94.] Repealed by 00-01-124 (Order 99-217), filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 74.08.080 and 1999 c 239.	220-105-047	Stamp sales reporting and fee remittances. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-105-047, filed 2/21/78, effective 4/1/78.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-115.
		220-105-050	Free license issuing procedure. [Order 77-121, § 220-105-050, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-120.
		220-105-055	Duties of a salmon angling license dealer. [Order 77-121, § 220-105-055, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-125.
		220-105-060	Valid license required. [Order 77-121, § 220-105-060, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-130.
		220-105-065	Stamp redemption. [Order 77-121, § 220-105-065, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-135.

#### Chapter 220-105

#### SALMON ANGLING LICENSE REGULATIONS

220-105-010	Salmon angling license. [Order 77-121, § 220-105-010, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-070.	220-120-010	Application. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-010, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
220-105-015	Salmon angling license validation stamp. [Order 77-121, § 220-105-015, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-55-075.	220-120-020	Purpose. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-020, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
220-105-020	Validation date. [Order 77-121, § 220-105-020, filed 10/19/77.] Repealed by 80-03-064 (Order 80-12), filed	220-120-030	Investigation and determination. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-030, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
		220-120-040	Contested determination. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-040, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
		220-120-050	Notice. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-050, filed 12/10/84.]

	Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
220-120-060	Venue. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-060, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
220-120-070	Hearing procedure. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-070, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
220-120-080	Rules of evidence. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-080, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
220-120-090	Disposition of contested cases—Presentation of additional evidence. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-090, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.
220-120-100	Appeals to the court—Notice and certification. [Statutory Authority: RCW 75.08.080. 85-01-020 (Order 84-217), § 220-120-100, filed 12/10/84.] Repealed by 04-18-051 (Order 04-234), filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 77.12.047.

### Chapter 220-12 WAC

#### FOOD FISH AND SHELLFISH—CLASSIFIED

##### WAC

220-12-005	Request for classification of nonnative aquatic animal species.
220-12-010	Food fish—Classification.
220-12-020	Shellfish—Classification.
220-12-090	Classification—Nonnative aquatic animal species.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-12-001	Food fish and shellfish—Promulgation. [Order 807, § 220-12-001, filed 1/2/69, effective 2/1/69; Order 677, Promulgation, filed 3/31/66; Order 256, Promulgation, filed 3/1/60.] Repealed by 83-24-024 (Order 83-200), filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 75.08.080.
220-12-002	Food fish and shellfish—Classification and preamble. [Order 807, § 220-12-002, filed 1/2/69, effective 2/1/69; Order 677, Preamble, filed 3/31/66; Order 256, Preamble, filed 3/1/60.] Repealed by 83-24-024 (Order 83-200), filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 75.08.080.

**WAC 220-12-005 Request for classification of non-native aquatic animal species.** Any person requesting classification of a nonnative aquatic animal species as a food fish, game fish, or shellfish must follow the procedure for request for designation prior to approval for release in WAC 232-12-016(1).

[Statutory Authority: RCW 77.12.047. 02-19-007 (Order 02-223), § 220-12-005, filed 9/5/02, effective 10/6/02.]

**WAC 220-12-010 Food fish—Classification.** The following fishes are classified as food fish under RCW 75.08.080 and are subject to the provisions of this title:

<b>Barracuda</b>	
Pacific barracuda	<i>Sphyraena argentea</i>
<b>Cyprinids</b>	
Carp	<i>Cyprinus carpio</i>

#### Cods and hake

Pacific hake or whiting	<i>Merluccius productus</i>
Walleye pollock	<i>Theragra chalcogrammus</i>
Pacific Tomcod	<i>Microgadus proximus</i>
Pacific Cod or true cod	<i>Gadus macrocephalus</i>

#### Flounder, sole and halibut

Butter sole or Bellingham sole	
C-O sole	<i>Isopsetta isolepis</i>
Dover sole	<i>Pleuronichthys coenosus</i>
English sole	<i>Microstomus pacificus</i>
Flathead sole	<i>Parophrys vetulus</i>
Pacific halibut	<i>Hippoglossoides elassodon</i>
Petrable sole	<i>Hippoglossus stenolepis</i>
Rex sole	<i>Eopsetta jordani</i>
Rock sole	<i>Glyptocephalus zachirus</i>
Pacific sand dab	<i>Lepidopsetta bilineata</i>
Sand sole	<i>Citharichthys sordidus</i>
Slender sole	<i>Psettichthys melanostictus</i>
Speckled sand dab	<i>Lyopsetta exilis</i>
Starry flounder	<i>Citharichthys stigmaeus</i>
Turbot or Arrowtooth flounder	<i>Platichthys stellatus</i>
All other species of sole and flounder	<i>Atheresthes stomias</i>
Giant wrymouth	(Pleuronectiformes) <i>Delolepis gigantea</i>

#### Greenling

Lingcod	<i>Ophiodon elongatus</i>
Rock greenling	<i>Hexagrammos superciliosus</i>
Kelp greenling	<i>Hexagrammos decagrammus</i>
All other species of greenling	(Hexagrammidae)

#### Herring and herring-like fishes

Northern anchovy	<i>Engraulis mordax</i>
Pacific sand lance or candlefish	<i>Ammodytes hexapterus</i>
Pacific herring	<i>Clupea harengus pallasii</i>
Pacific sardine or pilchard	<i>Sardinops sagax</i>
American shad	<i>Alosa sapidissima</i>

#### Mackerels, tunas and jacks (carangids)

Pacific bonito	<i>Sarda chiliensis</i>
Pacific mackerel	<i>Scomber japonicus</i>
Jack mackerel	<i>Trachurus symmetricus</i>
Monterey Spanish mackerel	<i>Scomberomorus concolor</i>
Spanish mackerel	<i>Scomberomorus maculatus</i>
Yellowtail	<i>Seriola dorsalis</i>
Albacore	<i>Thunnus alalunga</i>
Bluefin tuna	<i>Thunnus thynnus</i>
Skipjack tuna	<i>Euthynnus pelamis</i>
Yellowfin tuna	<i>Thunnus albacares</i>
All other species of tunas and mackerels	(Scombridae)
Pacific pomfret	<i>Brama japonica</i>
Pacific pompano	<i>Peprilus simillimus</i>
Plainfin midshipman	<i>Parichthys notatus</i>
Ratfish	<i>Hydrolagus coliei</i>
Rattails, all species	(Coryphaenoididae)

**Skates**

Longnose skate  
Big skate  
All other species of skates

*Raja rhina*  
*Raja binoculata*  
(Rajidae)

**Rockfish**

Bocaccio  
Black rockfish  
Brown rockfish  
Copper rockfish  
Greenstriped rockfish  
Canary rockfish  
Pacific Ocean perch  
Yelloweye or rasperhead rockfish  
Rosefish or splitnose rockfish  
Silvergray rockfish  
Quillback rockfish  
Yellowtail rockfish  
All other species of rockfish  
Sablefish

*Sebastes paucispinis*  
*Sebastes melanops*  
*Sebastes auriculatus*  
*Sebastes caurinus*  
*Sebastes elongatus*  
*Sebastes pinniger*  
*Sebastes alutus*  
*Sebastes ruberrimus*  
*Sebastes diploproa*  
*Sebastes brevispinis*  
*Sebastes maliger*  
*Sebastes flavidus*  
(Scorpaenidae)  
*Anoplopoma fimbria*

**Salmon**

Chinook or King salmon (except in its landlocked form as defined in WAC 232-12-018)  
Chum or dog salmon  
Pink or humpback  
Coho or silver (except in its landlocked form as defined in WAC 232-12-018)  
Sockeye or blue back  
Masu  
Atlantic salmon (except in its landlocked form)

*Oncorhynchus tshawytscha*  
*Oncorhynchus keta*  
*Oncorhynchus gorbuscha*  
*Oncorhynchus kisutch*  
*Oncorhynchus nerka*  
*Oncorhynchus masu*  
*Salmo salar*

**Sculpins**

Brown Irish lord  
Buffalo sculpin  
Cabezon  
Great sculpin  
Pacific Staghorn sculpin  
Red Irish lord

*Hemilepidotus spinosus*  
*Enophrys bison*  
*Scorpaenichthys marmoratus*  
*Myoxocephalus polyacanthocephalus*  
*Leptocottus armatus*  
*Hemilepidotus hemilepidotus*

**Seabass and drums**

White seabass  
All other seabass and drums

*Cynoscion nobilis*  
(Sciaenidae and Serranidae)

**Sharks**

Sixgill shark  
Soupfin shark  
Dogfish or spiny dogfish  
All other species of sharks

*Hexanchus griseus*  
*Galeorhinus zyopterus*  
*Squalus acanthias*  
(Squaliformes and Hexanchiformes)

**Smelts**

Eulachon or Columbia River smelt  
Longfin smelt  
Surf smelt  
All other species of smelt

*Thaleichthys pacificus*  
*Spirinchus dilatatus*  
*Hypomesus pretiosus*  
(Osmeridae)

**Sturgeons**

Green sturgeon  
White sturgeon

*Acipenser medirostris*  
*Acipenser transmontanus*

**Surfperches**

Blue perch or striped seaperch  
Kelp perch  
Redtail surfperch  
Shiner perch  
Pile perch  
Walleye surfperch  
White seaperch  
All other species of perch  
Wolf-eel

*Embiotoca lateralis*  
*Brachyistius frenatus*  
*Amphistichus rhodoterus*  
*Cymatogaster aggregata*  
*Rhacochilus vacca*  
*Hyperprosopon argenteum*  
*Phanerodon furcatus*  
(Embiotocidae)  
*Anarrhichthys ocellatus*

**Hagfishes**

Pacific hagfish  
Black hagfish

*Eptatretus stouti*  
*Eptatretus deani*

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-12-010, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 95-17-062 (Order 95-102), § 220-12-010, filed 8/15/95, effective 9/15/95; 89-14-010 (Order 89-48), § 220-12-010, filed 6/22/89; 83-24-024 (Order 83-200), § 220-12-010, filed 11/30/83, effective 1/1/84; 82-07-047 (Order 82-19), § 220-12-010, filed 3/18/82; Order 1057, § 220-12-010, filed 5/22/73; Order 807, § 220-12-010, filed 1/2/69, effective 2/1/69; Order 677, Food fish classification, filed 3/31/66; Order 256, Food fish classification, filed 3/1/60.]

**WAC 220-12-020 Shellfish—Classification.** The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

**Abalone**

Pinto abalone

*Haliotis kamtschatkana*

**Mussel**

Blue mussel  
California mussel  
Mediterranean mussel

*Mytilus trossulus*  
*Mytilus californianus*  
*Mytilus galloprovincialis*

**Scallops**

Pacific pink scallop  
Rock scallop  
Spiny scallop  
Weathervane scallop

*Chlamys rubida*  
*Crassadoma gigantea*  
*Chlamys hastata*  
*Patinopecten caurinus*

**Clams**

All macoma clams  
Butter clam  
Common cockle  
Geoduck  
Horse or Gaper clam

*Macoma spp.*  
*Saxidomus giganteus*  
*Clinocardium nuttallii*  
*Panopea abrupta*  
*Tresus nuttallii*,

*Tresus capax*

Mud or soft shell clam  
Manila clam  
Piddock  
Razor clam  
Rock or native little neck clam  
Varnish clam  
All other marine clams existing in Washington in a wild state

*Mya arenaria*  
*Venerupis philippinarum*  
*Zirfaea pilsbryi*  
*Siliqua patula*

*Protothaca staminea*  
*Nuttallia obscurata*

**Oysters**

All oysters

(Ostreidae)

<b>Squid</b>	
All squid	Sepiolida or Teuthida
<b>Octopus</b>	
Octopus	<i>Enteroctopus dolgileini</i>
<b>Barnacles</b>	
Goose barnacle	<i>Pollicipes polymerus</i>
<b>Shrimp</b>	
Coonstripe shrimp	<i>Pandalus danae</i>
Coonstripe shrimp	<i>Pandalus hypsinotus</i>
Ghost or sand shrimp	<i>Neotrypaea spp.</i>
Humpy shrimp	<i>Pandalus goniurus</i>
Mud shrimp	<i>Upogebia pugettensis</i>
Ocean pink shrimp	<i>Pandalus jordani</i>
Pink shrimp	<i>Pandalus eous</i>
Sidestripe shrimp	<i>Pandalopsis dispar</i>
Spot shrimp	<i>Pandalus platyceros</i>
<b>Crab</b>	
Dungeness or Pacific crab	<i>Cancer magister</i>
Red rock crab	<i>Cancer productus</i>
Tanner crab	<i>Chionoecetes tanneri</i>
King and box crab	<i>Lopholithodes spp.</i>
<b>Crawfish</b>	
Crawfish	<i>Pacifastacus sp.</i>
<b>Sea cucumber</b>	
Sea cucumber	<i>Parastichopus californicus</i>
<b>Sea urchin</b>	
Green urchin	<i>Strongylocentrotus droebachiensis</i>
Red urchin	<i>Strongylocentrotus franciscanus</i>
Purple urchin	<i>Strongylocentrotus purpuratus</i>

[Statutory Authority: RCW 77.12.047, 04-07-009 (Order 04-39), § 220-12-020, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-12-020, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-12-020, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-12-020, filed 1/30/95, effective 5/1/95; 91-10-024 (Order 91-22), § 220-12-020, filed 4/23/91, effective 5/24/91; 88-12-025 (Order 88-28), § 220-12-020, filed 5/25/88, effective 8/22/88; 87-23-006 (Order 87-187), § 220-12-020, filed 11/6/87; 86-24-046 (Order 86-190), § 220-12-020, filed 11/26/86; 85-09-017 (Order 85-20), § 220-12-020, filed 4/9/85; 85-01-010 (Order 84-214), § 220-12-020, filed 12/7/84; 83-24-024 (Order 83-200), § 220-12-020, filed 11/30/83, effective 1/1/84; Order 1186, § 220-12-020, filed 1/13/75; Order 990, § 220-12-020, filed 5/11/72; Order 807, § 220-12-020, filed 1/2/69, effective 2/1/69; Order 677, Shellfish classification, filed 3/31/66; Order 256, Shellfish classification, filed 3/1/60; Abalone and octopus from Order 483 and 256, filed 3/1/60.]

**WAC 220-12-090 Classification—Nonnative aquatic animal species.** (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

(a) Amphibians:

(i) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans*, *Hyla arborea*, *Hyla chinensis*, *Hyla hallowellii*, *Hyla immaculata*, *Hyla japonica*, *Hyla meridionalis*, *Hyla sanchiangensis*, *Hyla simplex*, *Hyla suweonensis*, *Hyla tsinlingensis*, *Hyla ussuriensis*, and *Hyla zhaopingensis*.

(ii) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes*, *P. fuscus*, *P. syriacus*, and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii*, *S. holbrookii*, and *S. hurterii*. All spe-

cies of the genus *Spea* including: *S. hurterii*, *S. bombifrons*, *S. hammondii*, and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(iii) In the family Pipidae: African clawed frog, all members of the genera *Silurana*, and *Xenopus*.

(iv) In the family Ranidae:

(A) Bull frog, *Rana catesbeiana*.

(B) Holarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaoensis*, *R. chevronata*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana emeljanovi*, *Rana tientaiensis*); *Rana tagoi* group (*R. sakuraii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honnorate*, *R. huanrenensis*, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae*, *R. bergeri*, *R. cerigensis*, *R. chosonica*, *R. cretensis*, *R. demarchii*, *R. epeirotica*, *R. fukienensis*, *R. graftii*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. plancyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqipericana*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the *Rana ridibunda*-*Rana lessonae* hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(v) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(vi) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus *Amphiuma*.

(vii) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(viii) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(ix) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus*, *Hynobius*, *Liua*, *Onychodactylus*, *Pachyhynobius*, *Pseudohynobius*, *Ranodon*, and *Salamandrella*.

(x) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(xi) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Aneides* (climbing salamanders); *Batrachoseps* (slender salamanders); *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders); *Hemidactylium* (four-toed salamanders); *Hydromantes* (web-toed salamanders); *Plethodon* (woodland and slimy salamanders); *Pseudotriton* (mud or red salamanders), and *Speleomantes* (European salamanders).

(xii) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(xiii) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red-spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native species *Taricha granulosa granulosa* the Northern rough-skinned newt, and *Triturus* (alpine newts).

(xiv) In the family Sirenidae, sirens, all species of the genera *Pseudobranchius* and *Siren*.

(b) Reptiles:

(i) In the family Chelydridae, snapping turtles, all species.

(ii) In the family Emydidae:

(A) Chinese pond turtles, all members of the genus *Chinemys*.

(B) Pond turtles, all members of the genus *Clemmys*.

(C) European pond turtle, *Emys orbicularis*.

(D) Asian pond turtle, all members of the genus *Mauremys*.

(iii) In the family Trionychidae, American soft shell turtles, all members of the genus *Apalone*.

(c) Crustaceans:

(i) Family Cercopagidae:

(A) Fish hook water flea, *Cercopagis pengoi*.

(B) Spiny water flea, *Bythotrephes cederstroemi*.

(ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.

(iii) Family Cambaridae: Crayfish: All genera.

(iv) Family Parastacidae: Crayfish: All genera except *Engaeos*, and except the species *Cherax quadricarinatus*, *Cherax papuanus*, and *Cherax tenuimanus*.

(v) Family Portunidae: European green crab, *Carcinus maenas*.

(vi) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.

(d) Fish:

(i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

(iii) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, *Rooseveltiella*, and *Serrasalmus*.

(iv) Family Clariidae: Walking catfish: All members of the family.

(v) Family Cyprinidae:

(A) Fathead minnow, *Pimephales promelas*.

(B) Carp, Bighead, *Hypophthalmichthys nobilis*.

(C) Carp, Black, *Mylopharyngodon piceus*.

(D) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.

(E) Carp, Silver, *Hypophthalmichthys molitrix*.

(F) Ide, silver orfe or golden orfe, *Leuciscus idus*.

(G) Rudd, *Scardinius erythrophthalmus*.

(vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(vii) Family Esocidae: Northern pike, *Esox lucius*.

(viii) Family Lepisosteidae: Gar-pikes: All members of the family.

(e) Mammals:

Family Myocastoridae: Nutria, *Myocastor coypu*.

(f) Molluscs:

(i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.

(ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.

(2) Regulated aquatic animal species. The following species are classified as regulated aquatic animal species:

(a) Crustaceans:

All nonnative crustaceans classified as shellfish.

(b) Fish:

(i) All nonnative fish classified as food fish and game fish.

(ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oreochromis*, and *Sarotherodon*.

(iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(iv) Family Cyprinidae:

(A) Common carp, koi, *Cyprinus carpio*.

(B) Goldfish, *Carassius auratus*.

(C) Tench, *Tinca tinca*.

(D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.

(c) Molluscs:

(i) All nonnative molluscs classified as shellfish.

(ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttalia obscurata*.

(3) Unregulated aquatic animal species. The following species are classified as unregulated aquatic animal species: None.

[Statutory Authority: RCW 77.12.047. 04-01-096 (Order 03-312), § 220-12-090, filed 12/16/03, effective 1/16/04; 02-19-007 (Order 02-223), § 220-12-090, filed 9/5/02, effective 10/6/02.]

## Chapter 220-16 WAC

### DEFINITIONS

#### WAC

220-16-002

Definition—Adult salmon.

220-16-005

Definitions—Authorized.

220-16-010

Definitions—Fishing gear.

220-16-015

General definitions—Trawl gear.

220-16-025

Definitions—Brush weir.

220-16-028

Definitions—Dip bag net.

220-16-035

Definitions—Drag seine.

220-16-040

Definitions—Drift gill net—Drift net.

220-16-046

Definitions—Skiff gill net—Skiff net.

220-16-051

Definitions—Commercial jig.

220-16-065

Definitions—Lampara.

220-16-075

Definitions—Purse seine.

220-16-080

Definitions—Reef net.

220-16-085

Definitions—Ring net.

220-16-090

Definitions—Set line.

220-16-095

Definitions—Set net.

220-16-100

Definitions—Shellfish pot.

220-16-105

Definitions—Snag line.

220-16-110

Definitions—Snag net.

220-16-120

Definitions—Trammel net.

220-16-125

Definitions—Troll line.

220-16-126

Troll spread.

220-16-140

Definitions—Herring rake.

220-16-145

Definitions—Bottomfish pot.

220-16-200

Geographical definitions—District 1.

220-16-205

Geographical definitions—District 2.

220-16-210

Geographical definitions—Puget Sound.

220-16-211

Geographical definitions—Puget Sound tributaries.

220-16-215

Geographical definitions—Grays Harbor.

220-16-220

Geographical definitions—Willapa Bay.

220-16-225

Geographical definitions—Columbia River.

220-16-230

Geographical definitions—Outside Initiative 77 line.

220-16-235	Geographical definitions—Inside Initiative 77 line.		Orders 355 and 256, filed 3/1/65; subsections 3, 8, 12 from Orders 452 and 256, filed 3/1/60; subsection 4 from Order 635, filed 3/31/65; Order 568, filed 3/26/63; Orders 452 and 256, filed 3/1/60; subsection 6 from Orders 385 and 256, filed 3/1/60.] Repealed by filing of later enactment. See WAC 220-16-300 through 220-16-355.
220-16-240	Geographical definitions—Coastal waters.		Definitions—Hand dip net. [Order 1105, § 220-16-045, filed 12/28/73; Order 810, § 220-16-045, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by 83-24-024 (Order 83-200), filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 75.08.080.
220-16-245	Geographical definitions—River mouths.		Definitions—Hand line. [Order 810, § 220-16-050, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by 79-03-014 (Order 79-11), filed 2/15/79. Statutory Authority: RCW 75.08.080.
220-16-250	Geographical definitions—Mile measurement.		Definitions—Hook and line—Angling. [Statutory Authority: RCW 75.08.080. 82-13-040 (Order 82-61), § 220-16-055, filed 6/9/82; Order 810, § 220-16-055, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by 91-08-053 (Order 91-18), filed 4/2/91, effective 5/3/91. Statutory Authority: RCW 75.08.080.
220-16-255	Geographical definitions—Razor clam areas.		Definitions—Jigger. [Order 810, § 220-16-060, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by 79-03-014 (Order 79-11), filed 2/15/79. Statutory Authority: RCW 75.08.080.
220-16-257	Razor clam beds.		Definitions—Otter trawl. [Statutory Authority: RCW 75.08.080. 79-05-007 (Order 79-20), § 220-16-070, filed 4/11/79; Order 810, § 220-16-070, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
220-16-260	Puget Sound Crab Management Regions.		Definitions—Suspension set net. [Order 810, § 220-16-115, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by Order 1193, filed 3/4/75.
220-16-265	Geographical definitions—Lopez Island shrimp fishing area.	220-16-045	Definitions—Shrimp trawl. [Statutory Authority: RCW 75.08.080. 80-13-064, (Order 80-123), § 220-16-130, filed 9/17/80; Order 77-145, § 220-16-130, filed 12/13/77; Order 945, § 220-16-130, filed 8/16/71; Order 810, § 220-16-130, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
220-16-270	Puget Sound Shrimp Districts.		Scallop dredge. [Statutory Authority: RCW 75.08.080. 82-03-045 (Order 82-6), § 220-16-132, filed 1/19/82.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
220-16-275	Geographical definitions—Village Point.		Definitions—Smelt rake. [Order 810, § 220-16-135, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by 83-24-024 (Order 83-200), filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 75.08.080.
220-16-280	Geographical definitions—Clam and oyster districts.		Sea urchin districts. [Statutory Authority: RCW 75.08.080. 86-20-028 (Order 86-123), § 220-16-385, filed 9/23/86.] Repealed by 87-23-006 (Order 87-187), filed 11/6/87. Statutory Authority: RCW 75.08.080.
220-16-290	Geographical definitions—Deep River (Wahkiakum County).	220-16-050	Sea cucumber districts. [Statutory Authority: RCW 75.08.080. 87-02-013 (Order 86-199), § 220-16-390, filed 12/30/86.] Repealed by 87-23-006 (Order 87-187), filed 11/6/87. Statutory Authority: RCW 75.08.080.
220-16-300	General definitions—Personal use.		
220-16-305	General definitions—Commercial purposes.		
220-16-310	General definitions—Net length measurement.	220-16-055	
220-16-315	General definitions—Net mesh measurement.		
220-16-320	General definitions—Fish length measurement.		
220-16-325	General definitions—Dressed fish length measurement.		
220-16-330	General definitions—Dressed fish.		
220-16-335	General definitions—Spawning salmon.		
220-16-340	General definitions—Bottomfish.	220-16-060	
220-16-345	General definitions—Time.		
220-16-350	General definitions—Jack salmon.		
220-16-355	General definitions—Soft-shelled crab.		
220-16-360	General definitions—Bait purposes.	220-16-070	
220-16-370	General definitions—Sac-roe herring purposes.		
220-16-375	Westport Boat Basin.		
220-16-380	English Camp Tidelands.		
220-16-395	Buoy 13 line.		
220-16-400	Definition—Lower Columbia River.		
220-16-405	Definition—SMCRA.	220-16-115	
220-16-410	Definition—Extenuating circumstances.		
220-16-420	Explosive substance.		
220-16-430	Spawn on kelp.	220-16-130	
220-16-440	San Juan Islands Marine Preserve Area.		
220-16-450	Light 26 Line.		
220-16-460	Titlow Beach Marine Preserve Area.		
220-16-470	Wild.		
220-16-475	Forage fish.		
220-16-480	Sund Rock Conservation Area.		
220-16-490	Bonilla-Tatoosh Line.	220-16-132	
220-16-550	Octopus Hole Conservation Area.		
220-16-590	Orchard Rocks Conservation Area.		
220-16-610	Anadromous waters.		
220-16-700	City of Des Moines Park Conservation Area.	220-16-135	
220-16-710	South 239th Street Park Conservation Area.		
220-16-720	Brackett's Landing Shoreline Sanctuary Conservation Area.		
220-16-730	Colvos Passage Marine Preserve Area.	220-16-385	
220-16-740	Waketick Creek Conservation Area.		
220-16-750	Saltar's Point Beach Conservation Area.		
220-16-760	Keystone Conservation Area.		
220-16-780	Admiralty Head Marine Preserve.	220-16-390	
220-16-790	Zee's Reef Marine Preserve.		
220-16-800	Hardshell clam.		
220-16-810	In a wild state.		
220-16-820	Golden Gardens Marine Preserve.		
220-16-830	Carkeek Park Marine Preserve.		
220-16-840	Lincoln Park Marine Preserve.		
220-16-850	Discovery Park Marine Preserve.		
220-16-860	Emma Schmitz Marine Preserve.		
220-16-870	Richey Viewpoint Marine Preserve.		

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-16-018	Definitions—Bottom sink set net. [Order 810, § 220-16-018, filed 4/17/69. Formerly WAC 220-16-010 (part).] Repealed by Order 1193, filed 3/4/75.
220-16-020	Definitions—Geographical districts. [Order 726, § 1 (part), filed 4/26/67; subsections 1-3, 5-9, 11 from Orders 355 and 256, filed 3/1/60; subsection 4 from Order 544, filed 4/3/62; Orders 355 and 256, filed 3/1/60; subsection 10 from Order 507, filed 4/13/60; Orders 355 and 256, filed 3/1/60; subsections 12-14 from Orders 414 and 256, filed 3/1/60; subsection 15 from Order 507, filed 4/13/60; subsection 16 from Order 547, filed 7/5/62; Order 256, filed 3/1/60.] Repealed by filing of later enactment. See WAC 220-16-200 through 220-16-275.
220-16-030	Definitions—General definitions. [Order 726, § 1, (part), filed 4/24/67; subsections 1, 2, 5, 7, 9, 10 from

**WAC 220-16-002 Definition—Adult salmon.** "Adult salmon" is defined as a chinook salmon greater than 24 inches in length, a coho salmon greater than 20 inches in length, or a chum, pink or sockeye salmon greater than 12 inches in length.

[Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-16-002, filed 7/15/98, effective 8/15/98.]

**WAC 220-16-005 Definitions—Authorized.** "Authorized" when used in the context of authorized employee, authorized department personnel, authorized representative of the department, and terms of similar character, shall be defined as any person employed by the department and performing department activities, or any other person under the direct supervision of an employee and who is performing department activities.

[Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-16-005, filed 7/15/98, effective 8/15/98.]



**WAC 220-16-010 Definitions—Fishing gear.** It shall be unlawful to operate in any area of the state of Washington or any area over which the state of Washington has concurrent jurisdiction any of the types of fishing gear defined hereinafter in this section for any purpose or by any means whatsoever except at the times, places and in the manners and for the species, quantities, sizes and sexes of food fish and shellfish or fish for food fish and shellfish with any type of fishing appliance not defined hereinafter in this section.

[Order 810, § 220-16-010, filed 4/17/69; subsections 2, 7 rescinded by Order 758, § 1, filed 10/16/67; subsection 14 amended by Order 758, § 2, filed 10/16/67; subsections 1-4, 6, 7, 10, 12, 15-21, 23-25 from Order 256, filed 3/1/60; subsection 15 amended by Order 677, filed 3/31/66; subsection 25 amended by Order 672, filed 12/28/65; subsections 5 and 9 from Order 569, filed 4/11/63; Orders 313 and 256, filed 3/1/60; subsection 9 amended by Order 635, filed 3/31/65; subsection 8 from Orders 406 and 256, filed 3/1/60; subsection 11 from Order 525, filed 5/3/61; Order 256, filed 3/1/60; subsection 13 from Orders 285 and 256, filed 3/1/60; subsection 14 from Order 591, filed 10/28/63; Orders 480 and 256, filed 3/1/60; subsection 22 from Order 543, filed 3/20/62; Order 256, filed 3/1/60; subsection 26 from Orders 480 and 256, filed 3/1/60; subsections 27, 28 from Order 525, filed 5/3/61.]

**WAC 220-16-015 General definitions—Trawl gear.**

(1) "Otter trawl" shall be defined as a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels. Otter trawl nets may be used both on and off the seabed. Otter trawl nets may be fished with or without trawl doors, and may employ warps or cables to direct fish. Otter trawl nets are restricted to the following three categories:

(a) "Bottom trawl" means an otter trawl in which the otter boards or the footrope of the net contact the seabed, and includes Danish and Scottish seine gear.

(b) "Roller trawl" or "bobbin trawl" are identical, and mean an otter trawl with footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material which protects the net during fishing on the seabed.

(c) "Pelagic trawl" means an otter trawl in which the otter boards may be in contact with the seabed but the footrope of the net remains above the seabed. Pelagic trawl nets may not have footropes protected at the trawl mouth with rollers, bobbins, or discs.

(2) "Beam trawl" shall be defined as a type of bottom trawl, consisting of a bag-shaped trawl net utilizing a beam to spread the mouth of the net horizontally as it is towed and not having weighted otter frames or otter doors. The minimum mesh size for beam trawl nets is four and one-half inches in a food fish fishery and one and one-half inches in a shrimp fishery, unless otherwise provided.

(3) "Shrimp trawl" shall be defined as a tapered, funnel-shaped trawl net in which the mesh size is two inches or less in the intermediate and codend sections of the trawl. Otter doors, otter boards, or a beam may be used to spread the mouth of the net horizontally as it is towed. The mouth of the net is formed on the upper edge by a line to which floats are attached (headrope) and on the lower edge by a line which is usually weighted (footrope). Additional webbing is frequently attached to the codend section to prevent the net from chafing.

(4) "Scallop dredge" shall be defined as trawl gear with a leading rigid frame opening with a trailing bag of metal rings or net mesh, which is legal gear for harvest of scallops.

(2007 Ed.)

(5) "Codend" shall be defined as the terminal, closed end of a trawl net.

(a) Single-walled codend is a codend constructed of a single wall of webbing knitted with single-ply mesh, or with double-ply mesh (double twine tied into a single knot).

(b) Double-walled codend is a codend constructed of two walls of webbing. The double-walled portion of the codend must be tied knot-to-knot to the trawl net, and may not be longer than twenty-five trawl meshes or twelve feet, whichever is greater. The use of double-walled codends is unlawful in pelagic trawls, roller trawls, and bobbin trawls.

(6) "Chafing gear" shall be defined as webbing or other material attached to the bottom (underside) or around the codend of a trawl net to protect the codend from wear. Chafing gear must not be connected to the terminal (closed) end of the codend.

(7) "Trawl riblines" shall be defined as heavy ropes or lines that run down the sides, top or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

(8) "Trawl mesh size" shall be defined as the distance between the inside of one knot and the inside of the opposite vertical knot in trawl mesh. Minimum trawl mesh size requirements are met if a wedge of legal size can be passed without undue force through sixteen of twenty sets of two meshes each of wet mesh in the codend.

[Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-16-015, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-16-015, filed 7/14/93, effective 8/14/93; 82-14-056 (Order 82-72), § 220-16-015, filed 7/1/82; Order 810, § 220-16-015, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-025 Definitions—Brush weir.** "Brush weir" shall be defined as a stationary impounding net constructed on piling, with one lead and not to exceed two hearts, and constructed according to specifications of the director.

[Statutory Authority: RCW 75.08.080. 79-03-014 (Order 79-11), § 220-16-025, filed 2/15/79; Order 810, § 220-16-025, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-028 Definitions—Dip bag net.** "Dip bag net" shall be defined as a section of netting distended by a rigid frame and attached directly to a rigid handle.

[Statutory Authority: RCW 77.12.047. 02-08-048 (Order 02-53), § 220-16-028, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080. 83-24-024 (Order 83-200), § 220-16-028, filed 11/30/83, effective 1/1/84; 79-03-014 (Order 79-11), § 220-16-028, filed 2/15/79; Order 1105, § 220-16-028, filed 12/28/73; Order 810, § 220-16-028, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-035 Definitions—Drag seine.** "Drag seine" shall be defined as fishing gear consisting of a lead line, cork line, auxiliary lines and a mesh net webbing fashioned in such a manner that it can be used to encircle fish in waters adjacent to any beach, with the catch landed directly on the beach. It shall include gear commonly known as "beach seine" and "smelt drag bag net."

[Order 810, § 220-16-035, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-040 Definitions—Drift gill net—Drift net.** "Drift gill net" or "drift net" gear shall be defined as a gill

net of single web construction, not anchored, tied, staked, placed, or weighted in such a manner that it cannot drift.

[Statutory Authority: RCW 75.08.080. 92-15-105 (Order 92-47), § 220-16-040, filed 7/20/92, effective 8/20/92; 88-18-066 (Order 88-86), § 220-16-040, filed 9/2/88; Order 810, § 220-16-040, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-046 Definitions—Skiff gill net—Skiff net.** "Skiff gill net" or "skiff net" is defined as a gill net of single web construction with floats along the corkline sufficient to float the net. A skiff gill net may be laid in part on shore, but may not be anchored, tied, or staked, nor have a lead line so heavily weighted that the net cannot drift.

[Statutory Authority: RCW 75.08.080. 92-15-105 (Order 92-47), § 220-16-046, filed 7/20/92, effective 8/20/92.]

**WAC 220-16-051 Definitions—Commercial jig.** Commercial jig gear shall be defined as a line or lines hand held or attached to poles or machines, and to which may be attached any number of hooks or lures. The gear shall be fished from a single vessel that is not under power.

[Statutory Authority: RCW 75.08.080. 83-24-024 (Order 83-200), § 220-16-051, filed 11/30/83, effective 1/1/84; 79-03-014 (Order 79-11), § 220-16-051, filed 2/15/79.]

**WAC 220-16-065 Definitions—Lampara.** Lampara gear shall be defined as fishing gear having no purse line or rings, but employing a lead line, cork line, special tag or auxiliary lines attached to the lead line and webbing in such a manner that the fish are encircled in open water. This gear is not lawful for the taking of salmon.

[Order 76-148, § 220-16-065, filed 12/2/76; Order 817, § 220-16-065, filed 5/29/69; Order 810, § 220-16-065, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-075 Definitions—Purse seine.** (1) "Purse seine" is defined as including all types of fishing gear consisting of a lead line, cork line, auxiliary lines, purse line and purse rings and mesh net webbing fashioned in such a manner that it is used to encircle fish, and in addition prevents their escape under the bottom or lead line of the net by drawing in the bottom of the net by means of the purse line so that it forms a closed bag.

(2) "Bunt" is defined as the portion of the purse seine net located at the end of the net designed to form the bag that holds the net's catch after the net is pursed and is the last portion of the net to be pulled aboard the catching vessel.

[Statutory Authority: RCW 75.08.080. 87-15-059 (Order 87-72), § 220-16-075, filed 7/14/87; Order 810, § 220-16-075, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-080 Definitions—Reef net.** "Reef net" shall be defined as a non self-fishing open bunt square or rectangular section of mesh netting suspended between two anchored boats fashioned in such a manner that to impound salmon passing over the net, the net be raised to the surface. The lead or leads of any "reef net" must be floating at all times, except under stress of tidal conditions, and shall not be fixed to any piling whatsoever, nor shall the lead or leads be constructed of any kind of mesh webbing. In the construction

of any "reef net" no principle of a fyke net or fish trap may be employed.

[Order 810, § 220-16-080, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-085 Definitions—Ring net.** "Ring net" shall be defined to include all fishing gear having a rigid frame measuring no more than ten feet in diameter that is used to take shellfish in a live condition. The sides and all other parts of the gear must lie flat on the bottom in such a manner that the gear does not entrap or restrict the free movement of shellfish until lifted.

[Statutory Authority: RCW 75.08.080. 88-10-012 (Order 88-14), § 220-16-085, filed 4/26/88; 84-08-014 (Order 84-24), § 220-16-085, filed 3/27/84; Order 810, § 220-16-085, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-090 Definitions—Set line.** "Set line" shall be defined as a stationary, buoyed, and anchored ground line with hooks attached.

[Statutory Authority: RCW 75.08.080. 82-14-056 (Order 82-72), § 220-16-090, filed 7/1/82; Order 810, § 220-16-090, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-095 Definitions—Set net.** "Set net" shall be defined as a gill net which is anchored, tied, staked, laid in part on shore or whose lead line is so heavily weighted that it cannot drift.

[Order 810, § 220-16-095, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-100 Definitions—Shellfish pot.** "Shellfish pot" shall be defined as a movable trap with one or more entrance tunnels used to entrap shellfish in a live condition.

[Statutory Authority: RCW 75.08.080. 84-08-014 (Order 84-24), § 220-16-100, filed 3/27/84; Order 1179, § 220-16-100, filed 11/19/74; Order 810, § 220-16-100, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-105 Definitions—Snag line.** "Snag line" shall be defined as a line with one or more unbaited hooks attached thereto used to the purpose of snagging any species of food fish.

[Order 810, § 220-16-105, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-110 Definitions—Snag net.** "Snag net" shall be defined as a single web gill net, constructed of webbing having mesh of not less than fourteen inches stretch measure and used for the purpose of clearing snags or similar obstructions from gill net drifts and operated in an area where a gill net fishery is from time to time lawful.

[Order 810, § 220-16-110, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-120 Definitions—Trammel net.** "Trammel net" shall be defined as a gill net that is hung with two or more mesh webs substantially parallel to each other, suspended from a single common cork line and having either one or several lead lines.

[Order 810, § 220-16-120, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-125 Definitions—Troll line.** "Troll line" when relating to its use for commercial purposes shall be defined as a fishing line used to drag a lure or lures behind a vessel that is under power.

[Statutory Authority: RCW 75.08.080. 83-24-024 (Order 83-200), § 220-16-125, filed 11/30/83, effective 1/1/84; Order 810, § 220-16-125, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-126 Troll spread.** "Troll spread" shall be defined as a readily detachable line more than 4 inches in length, which has one or more lures attached to it, and is attached to the main troll line which cannot be removed from the vessel during its operation.

[Statutory Authority: RCW 75.08.080. 82-14-056 (Order 82-72), § 220-16-126, filed 7/1/82.]

**WAC 220-16-140 Definitions—Herring rake.** "Herring rake" shall be defined as a long-handled, streamlined board, oar-like in shape, with a lower portion of the leading edge studded with sharp-pointed nails upon which the fish are impaled when the rake is forced through the water edge-wise.

[Order 810, § 220-16-140, filed 4/17/69. Formerly WAC 220-16-010 (part).]

**WAC 220-16-145 Definitions—Bottomfish pot.** "Bottomfish pot" shall be defined as a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats. Bottomfish pots must have biodegradable escape panels constructed with #21 or smaller untreated cotton twine in such a manner that an opening at least eight inches in diameter results when the twine deteriorates.

[Statutory Authority: RCW 75.08.080. 82-14-056 (Order 82-72), § 220-16-145, filed 7/1/82; Order 866, § 220-16-145, filed 6/12/70.]

**WAC 220-16-200 Geographical definitions—District 1.** The term "District 1" shall be construed to include the Strait of Juan de Fuca, and the waters of the Pacific Ocean over which the state of Washington has jurisdiction, exclusive of bays, inlets, canals, coves, sounds and estuaries.

[Order 817, § 220-16-200, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-205 Geographical definitions—District 2.** The term "District 2" shall be construed to include all lands and waters over which the state of Washington has jurisdiction, excepting District 1.

[Order 817, § 220-16-205, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-210 Geographical definitions—Puget Sound.** The term "Puget Sound" shall be construed to include all the waters of Puget Sound outside the mouth of any river or stream including the Strait of Juan de Fuca, Georgia Strait, and all bays and inlets thereof.

[Order 817, § 220-16-210, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-211 Geographical definitions—Puget Sound tributaries.** The term "Puget Sound tributaries" shall be construed to include the waters of all fresh water rivers and streams tributary to Puget Sound as defined in WAC 220-15-210 and including all tributaries flowing into said rivers and streams.

[Order 920, § 220-16-211, filed 5/13/71.]

(2007 Ed.)

**WAC 220-16-215 Geographical definitions—Grays Harbor.** The term "Grays Harbor" shall be construed to include all the waters of Grays Harbor outside the mouth of any tributary river or stream inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

[Order 817, § 220-16-215, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-220 Geographical definitions—Willapa Bay.** The term "Willapa Bay" shall be construed to include all the waters of Willapa Bay outside the mouth of any tributary river or stream inside and easterly of a line from Leadbetter Point to Willapa Bay Channel Marker 8 (Buoy 8) and then to the westerly most landfall on Cape Shoalwater.

[Statutory Authority: RCW 75.08.080. 91-08-054 (Order 91-13), § 220-16-220, filed 4/2/91, effective 5/3/91; Order 817, § 220-16-220, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-225 Geographical definitions—Columbia River.** The term "Columbia River" shall be construed to include all the waters of the Columbia River, including sloughs tributary thereto, upstream and easterly of a line projected true north-south through Buoy 10 located between the north and south jetties at the mouth of the Columbia River.

[Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-16-225, filed 3/30/99, effective 5/1/99; Order 817, § 220-16-225, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-230 Geographical definitions—Outside Initiative 77 line.** The term "outside Initiative 77 line" shall be construed to include all waters of Puget Sound lying westerly and northerly of the Initiative 77 line described in chapter 75.12 RCW.

[Order 817, § 220-16-230, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-235 Geographical definitions—Inside Initiative 77 line.** The term "inside Initiative 77 line" shall be construed to include all waters of Puget Sound lying southerly and easterly of the Initiative 77 line described in chapter 75.12 RCW.

[Order 817, § 220-16-235, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-240 Geographical definitions—Coastal waters.** The term "coastal waters" shall be construed to include those waters of the Pacific Ocean lying within the jurisdiction of the state of Washington, unless otherwise provided, and all streams tributary thereto, exclusive of the Grays Harbor, Willapa Harbor and Columbia River districts.

[Statutory Authority: RCW 75.08.080. 83-24-024 (Order 83-200), § 220-16-240, filed 11/30/83, effective 1/1/84; Order 817, § 220-16-240, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-245 Geographical definitions—River mouths.** Unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream, including sloughs and tributaries, upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide.

[Order 817, § 220-16-245, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-250 Geographical definitions—Mile measurement.** Any reference to the term "mile" shall mean a nautical mile.

[Order 817, § 220-16-250, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-255 Geographical definitions—Razor clam areas.** "Razor clam area 1" shall include the tidelands and waters of the Pacific Ocean and Willapa Harbor between Cape Disappointment and Cape Shoalwater; "razor clam area 2" shall include the tidelands and waters of the Pacific Ocean and Grays Harbor between Cape Shoalwater and Point Brown; "razor clam area 3" shall include the tidelands and waters of the Pacific Ocean between Point Brown and Cape Flattery.

[Order 817, § 220-16-255, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-257 Razor clam beds.** "Razor clam beds" are defined as that portion of Pacific Ocean beaches westerly of a line 150 feet waterward of the extreme upper limit of the hard sand area. The detached Willapa Bay Spits that are north of Leadbetter Channel, west of Ellen Sands and south of the Willapa Ship Channel are also defined as "razor clam beds," as are those portions of the mouths of Grays Harbor and Willapa Bay which contain razor clams.

[Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-16-257, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 91-08-054 (Order 91-13), § 220-16-257, filed 4/2/91, effective 5/3/91; 82-07-047 (Order 82-19), § 220-16-257, filed 3/18/82; 80-13-064 (Order 80-123), § 220-16-257, filed 9/17/80.]

**WAC 220-16-260 Puget Sound Crab Management Regions.** The following areas are defined as Puget Sound Crab Management Regions:

(1) Crab Management Region 1 - (North Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.

(2) Crab Management Region 2-East - (Eastern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E (see WAC 220-52-046).

(3) Crab Management Region 2-West - (Western Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25B, 25D, and 26A-W (see WAC 220-52-046).

(4) Crab Management Region 3, subarea 3-1 - (Eastern Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A and 23B.

(5) Crab Management Region 3, subarea 3-2 - (Central Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 25A, and 25E.

(6) Crab Management Region 3, subarea 3-3 - (Western Strait of Juan de Fuca). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23C and 29.

(7) Crab Management Region 4 - (Southern Central Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B and 26C.

(8) Crab Management Region 5 - (Hood Canal). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 25C, 27A, 27B, and 27C.

[Title 220 WAC—p. 26]

(9) Crab Management Region 6 - (South Puget Sound). All waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

[Statutory Authority: RCW 77.12.047. 06-01-013 (Order 05-275), § 220-16-260, filed 12/9/05, effective 1/9/06; 01-03-016 (Order 00-271), § 220-16-260, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-260, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-265 Geographical definitions—Lopez Island shrimp fishing area.** "Lopez Island shrimp fish area" shall include those waters of Puget Sound lying inside and southerly of a line projected from Spencer Spit on Lopez Island to Fauntleroy Point on Decatur Island and a line projected from Decatur Light across Lopez Pass to the nearest point of Lopez Island.

[Order 817, § 220-16-265, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-270 Puget Sound Shrimp Districts.** The following areas shall be defined as Puget Sound Shrimp Districts:

(1) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, then to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay.

(2) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock.

(3) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula.

(4) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge.

(5) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(6) Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson, and north of the Port Townsend ship canal including Kilisut Harbor.

[Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-16-270, filed 3/4/04, effective 5/1/04; 03-16-097 (Order 03-180), § 220-16-270, filed 8/6/03, effective 9/6/03; 01-03-016 (Order 00-271), § 220-16-270, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-270, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-275 Geographical definitions—Village Point.** The term "Village Point," used in describing the Lummi Island reef net fishing area, shall be construed to mean a point of location on Village Point, Lummi Island, at the mean high tide on a true bearing 43 degrees 53 minutes a distance of 457 feet to the center of the chimney of a wood frame house on the east side of the county road. Said chimney and house being described as "Village Point Chimney" on page 612 of United States Coast and Geodetic Survey list of geographic positions No. G-5455, Rosario Strait.

[Order 817, § 220-16-275, filed 5/29/69. Formerly WAC 220-16-020 (part).]

**WAC 220-16-280 Geographical definitions—Clam and oyster districts.** The following clam and oyster districts are defined pursuant to RCW 75.28.280 and 75.28.281.

(1) Northern Puget Sound district shall include all waters and tidelands of Puget Sound northerly and westerly of lines

(2007 Ed.)

drawn from Olele Point to the southern tip of Double Bluff on Whidbey Island and from Possession Point true east to the mainland.

(2) Southern Puget Sound district shall include all waters and tidelands of Puget Sound southerly of lines drawn from Olele Point to the southern tip of Double Bluff on Whidbey Island, thence following the shoreline to Possession Point and thence from Possession Point true east to the mainland.

(3) Grays Harbor District shall include all waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(4) Willapa Harbor district shall include all waters and tidelands of Willapa Harbor inside and easterly of a line projected from Leadbetter Point to Cape Shoalwater.

[Order 857, § 220-16-280, filed 12/11/69.]

**WAC 220-16-290 Geographical definitions—Deep River (Wahkiakum County).** For commercial fisheries, the mouth of the Deep River is defined as the Highway 4 Bridge.

[Statutory Authority: RCW 77.12.047. 03-05-061 (Order 03-29), § 220-16-290, filed 2/18/03, effective 3/21/03.]

**WAC 220-16-300 General definitions—Personal use.** The taking or possession of food fish or shellfish for personal use is defined as the taking or fishing for food fish and shellfish or parts thereof by angling or by such other means, with such gear and for such limits as the director may authorize for personal use, or possessing the same for the use of the person fishing for, taking or possessing the same, and not for sale or barter.

[Order 817, § 220-16-300, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-305 General definitions—Commercial purposes.** The taking, fishing for, possession, processing, or otherwise dealing in or disposing of food fish and shellfish for commercial purposes is defined as the taking or fishing for food fish with any gear unlawful for fishing for personal use, or taking or possessing food fish and shellfish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish, shellfish or parts thereof for profit or by sale, barter, trade or in commercial channels.

[Order 817, § 220-16-305, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-310 General definitions—Net length measurement.** The length of any net is defined as its measurement along the cork line.

[Order 817, § 220-16-310, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-315 General definitions—Net mesh measurement.** The size of a mesh of any net except purse seine net, trawl net, and Hood Canal shrimp pot net shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh when the mesh is stretched vertically, while wet, by using a tension of ten pounds on any three consecutive meshes, then measuring the middle mesh of the three while under tension; purse seine net mesh - see WAC 220-47-301; trawl net mesh - see WAC

(2007 Ed.)

220-16-015; Hood Canal shrimp pot net - see WAC 220-52-053.

[Statutory Authority: RCW 75.08.080. 86-13-038 (Order 86-46), § 220-16-315, filed 6/12/86; 83-24-024 (Order 83-200), § 220-16-315, filed 11/30/83, effective 1/1/84; 82-14-056 (Order 82-72), § 220-16-315, filed 7/1/82; 82-03-045 (Order 82-6), § 220-16-315, filed 1/19/82; Order 1105, § 220-16-315, filed 12/28/73; Order 817, § 220-16-315, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-320 General definitions—Fish length measurement.** The length of a fish, unless otherwise provided, is defined as the shortest distance between the extreme tip of the tail and extreme tip of the snout or jaw, whichever extends the farthest, measured while the fish is lying in a prone and normal position.

[Order 817, § 220-16-320, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-325 General definitions—Dressed fish length measurement.** The length of any dressed fish, unless otherwise provided, is defined as the shortest distance between the posterior end of the gill opening and the fork of the tail.

[Order 817, § 220-16-325, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-330 General definitions—Dressed fish.** A dressed fish is defined as one from which the viscera or the viscera and head has been removed.

[Order 817, § 220-16-330, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-335 General definitions—Spawning salmon.** The term "spawning male salmon" is one from which the milt flows freely. The term "spawning female salmon" is one from which the eggs flow freely or has matured to the point that the eggs may be extruded by pressure applied to the abdomen of the salmon.

[Order 866, § 220-16-335, filed 6/12/70; Order 817, § 220-16-335, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-340 General definitions—Bottomfish.** The term "bottomfish," unless otherwise provided, is defined as including Pacific cod, Pacific tomcod, Pacific hake, wall-eye pollock all species of dabs, sole and flounders (except Pacific halibut), lingcod and all other species of greenling, ratfish, sablefish, cabezon, buffalo sculpin, great sculpin, red Irish lord, brown Irish lord, Pacific staghorn sculpin, wolf-eel, giant wry mouth, plainfin midshipman, spiny dogfish, six gill shark, soupfin shark and all other species of shark, and all species of skate, rockfish, rattails and surfperches except shiner perch.

[Statutory Authority: RCW 75.08.080. 85-09-017 (Order 85-20), § 220-16-340, filed 4/9/85; 83-24-024 (Order 83-200), § 220-16-340, filed 11/30/83, effective 1/1/84; 82-07-047 (Order 82-19), § 220-16-340, filed 3/18/82; 79-05-007 (Order 79-20), § 220-16-340, filed 4/11/79; Order 77-147, § 220-16-340, filed 12/16/77; Order 817, § 220-16-340, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-345 General definitions—Time.** All Times referred to in any order or regulation shall be Pacific Standard Time, except that during the period from the first Sunday in April through the last Sunday in October all times referred to shall be Pacific Daylight Time.

[Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-16-345, filed 3/29/00, effective 5/1/00; Order 1193, § 220-16-345, filed 3/4/75; Order 817, § 220-16-345, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-350 General definitions—Jack salmon.**

A jack salmon is defined as any salmon which has matured and begun its spawning migration one or more years before the normal term of maturity of other members of its species, and which has visibly developed eggs or milt.

[Order 817, § 220-16-350, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-355 General definitions—Soft-shelled crab.** A soft-shelled crab is defined as a crab whose shell, including shell covering of the legs, is not fully hardened and said shell is flexible and depresses to digital pressure.

[Order 817, § 220-16-355, filed 5/29/69. Formerly WAC 220-16-030 (part).]

**WAC 220-16-360 General definitions—Bait purposes.** The taking or possession of food fish for bait is defined as capturing food fish which will be used to entice or lure other fish or shellfish to a hook, lure, trap or other fishing gear for the purpose of capture for sport or commercial use and shall not include food fish or shellfish taken for feeding to zoo or domestic animals.

[Order 1105, § 220-16-360, filed 12/28/73.]

**WAC 220-16-370 General definitions—Sac-roë herring purposes.** Taking or possessing herring for sac-roë purposes is defined as capturing herring which will have the roë (eggs) removed for separate processing or resale. Sac-roë is *not* equivalent to human consumption even though the carcasses may subsequently be used for food.

[Order 76-148, § 220-16-370, filed 12/2/76.]

**WAC 220-16-375 Westport Boat Basin.** "Westport Boat Basin" shall include those waters of Grays Harbor inside the breakwater surrounding the boat basin and inside of lines drawn between lighted day markers 10 and 11 and between lighted day markers 1 and 2 which mark the two entrances to the boat basin.

[Statutory Authority: RCW 75.08.080, 84-09-026 (Order 84-22), § 220-16-375, filed 4/11/84.]

**WAC 220-16-380 English Camp Tidelands.** "English Camp Tidelands" includes those waters of Wescott Bay lying inside the boundaries of San Juan Island National Historical Park (English Camp).

[Statutory Authority: RCW 75.08.080, 84-09-026 (Order 84-22), § 220-16-380, filed 4/11/84.]

**WAC 220-16-395 Buoy 13 line.** The term "Buoy 13 line" is defined as a line drawn true north-south through Grays Harbor Channel Marker Number 13 near the mouth of Grays Harbor.

[Statutory Authority: RCW 75.08.080, 87-09-066 (Order 87-16), § 220-16-395, filed 4/21/87.]

**WAC 220-16-400 Definition—Lower Columbia River.** "Lower Columbia River" is defined as Columbia

[Title 220 WAC—p. 28]

River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E as defined in WAC 220-22-010 and tributaries to these areas.

[Statutory Authority: RCW 75.08.080, 88-18-066 (Order 88-86), § 220-16-400, filed 9/2/88.]

**WAC 220-16-405 Definition—SMCRA.** "SMCRA" means Salmon Management and Catch Reporting Area.

[Statutory Authority: RCW 75.08.080, 88-18-066 (Order 88-86), § 220-16-405, filed 9/2/88.]

**WAC 220-16-410 Definition—Extenuating circumstances.** "Extenuating circumstances" for purposes of this title mean circumstances that lessen the seriousness or magnitude of an act, and which are to be considered in determining if an individual is to be granted extraordinary relief. Such personal characteristics as age, education, fishing experience, and physical capability, as well as other personal characteristics, and such physical circumstances as weather, age of vessel, and vessel propulsion mechanism, as well as other physical circumstances, may be considered when reviewing a set of facts for extenuating circumstances.

[Statutory Authority: RCW 75.08.080, 90-03-068 (Order 90-05), § 220-16-410, filed 1/19/90, effective 2/19/90; 89-15-032 (Order 89-61), § 220-16-410, filed 7/14/89.]

**WAC 220-16-420 Explosive substance.** The term "explosive substance" includes, but is not limited to, any gaseous discharge that generates pressure waves capable of harming food fish or shellfish.

[Statutory Authority: RCW 75.08.080, 90-03-068 (Order 90-05), § 220-16-420, filed 1/19/90, effective 2/19/90.]

**WAC 220-16-430 Spawn on kelp.** "Spawn on kelp" is defined as herring eggs which have been deposited on any type of aquatic vegetation. It is unlawful to take spawn on kelp for commercial purposes unless a person has a spawn on kelp permit issued by the director.

[Statutory Authority: RCW 75.08.080 and 75.28.245, 90-07-003 (Order 90-17), § 220-16-430, filed 3/8/90, effective 4/8/90.]

**WAC 220-16-440 San Juan Islands Marine Preserve Area.** The following tidal and submerged lands are included within the definition of the "San Juan Islands Marine Preserve Area":

(1) False Bay: The tidelands and bedlands of False Bay on San Juan Island, including all University of Washington-owned tidelands beginning at a marker 400 feet east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Bay, projected 500 yards offshore, thence northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, thence to shore along said line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600 feet west of the small peninsula.

(2) Friday Harbor: Those tidelands and bedlands adjacent to San Juan Island within a line beginning on the shore

500 yards west of Point Caution, thence 500 yards offshore, thence south and east following the shoreline to the intersection with a line projected from a University of Washington marker located 100 feet north of the north entrance of the floating breakwater of the Port of Friday Harbor and projected towards Reid Rock Buoy, thence along said line to shore on San Juan Island.

(3) Argyle Lagoon: Those University of Washington-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.

(4) Yellow and Low Islands: All tidelands and bedlands within 300 yards of Yellow Island and 300 yards of Low Island.

(5) Shaw Island: Those tidelands and bedlands within a line beginning at a University of Washington marker on the shore at Hicks Bay, 122 degrees, 58 minutes, 15 seconds west longitude, thence due south 500 yards, thence north and west at a distance of 500 yards from shore to the intersection with a line projected 261 degrees true from a University of Washington marker on the shore of Parks Bay, which line passes just south of the unnamed island at the north end of Parks Bay, thence along said line to the shore of Shaw Island, including all tidelands and bedlands of Parks Bay south of said line.

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-16-440, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 90-06-026, § 220-16-440, filed 2/28/90, effective 3/31/90.]

**WAC 220-16-450 Light 26 Line.** The "Light 26 Line" is defined as a line in the Columbia River from the landward end of the Chinook Jetty following the jetty to Chinook Jetty Light No. 7, then southerly in a straight line to Desdemona Sands Light, then southeasterly in a straight line through Light 26 to the Oregon shore.

[Statutory Authority: RCW 75.08.080. 90-06-026, § 220-16-450, filed 2/28/90, effective 3/31/90.]

**WAC 220-16-460 Titlow Beach Marine Preserve Area.** The "Titlow Beach Marine Preserve Area" is defined as all waters and tidal and submerged lands within a line beginning at the mean high water line at the southernmost point of the Tacoma Outboard Association leasehold, then projected due west to the intersection with the outer harbor line, then following the outer harbor line to a line projected due west from the old ferry dock at the foot of the Sixth Avenue extension, then east on said line to the mean high water line, then following the mean high water line to the point of origin.

[Statutory Authority: RCW 75.08.080. 94-14-069, § 220-16-460, filed 7/1/94, effective 8/1/94.]

**WAC 220-16-470 Wild.** "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish. When "wild" is used to describe a salmon, "wild" means a salmon with an unclipped adipose fin, regardless of whether the salmon is ventral fin clipped. A salmon with a clipped adipose fin and having a healed scar at the site of the clipped fin is not a wild salmon.

(2007 Ed.)

[Statutory Authority: RCW 77.12.047. 05-17-007 (Order 05-168), § 220-16-470, filed 8/3/05, effective 9/3/05; 04-16-126 (Order 04-201), § 220-16-470, filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-16-470, filed 8/27/97, effective 9/27/97.]

**WAC 220-16-475 Forage fish.** "Forage fish" is defined as anchovy, herring, sand lance, sardine and smelt.

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-16-475, filed 2/26/98, effective 5/1/98.]

**WAC 220-16-480 Sund Rock Conservation Area.** The "Sund Rock Conservation Area" is defined as those waters and bed lands enclosed by a line originating at the shore of Hood Canal, at the mouth of Sund Creek (47°26.4'N, 123°7.1'W), thence due east to 123°6.9'W, thence due south to 47°26'N, thence due west until it intersects the beach, thence north along the ordinary high water line to the point of origin, including all of the underwater feature known as Sund Rock.

[Statutory Authority: RCW 77.12.047. 02-08-027 (Order 02-54), § 220-16-480, filed 3/27/02, effective 5/1/02. Statutory Authority: RCW 75.08.080. 00-01-103 (Order 99-215), § 220-16-480, filed 12/16/99, effective 1/16/00; 98-15-031 (Order 98-120), § 220-16-480, filed 7/7/98, effective 8/7/98.]

**WAC 220-16-490 Bonilla-Tatoosh Line.** The "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the lighthouse on Tatoosh Island, then to the buoy adjacent to Duntz Rock, then to Bonilla Point on Vancouver Island.

[Statutory Authority: RCW 75.08.080. 98-15-031 (Order 98-120), § 220-16-490, filed 7/7/98, effective 8/7/98.]

**WAC 220-16-550 Octopus Hole Conservation Area.** "Octopus Hole Conservation Area" is defined as those waters, tidelands, and bedlands of Hood Canal within a line projected due east from the western shore of Hood Canal on latitude 47°27'01"N for 200 yards, thence southerly 628 yards parallel to the high water mark to latitude 47°26'40", thence due west to shore.

[Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-16-550, filed 3/4/04, effective 5/1/04. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-16-550, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-16-550, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-16-550, filed 2/26/98, effective 5/1/98.]

**WAC 220-16-590 Orchard Rocks Conservation Area.** "Orchard Rocks Conservation Area" is defined as those waters and bedlands of Rich Passage within a 400-yard radius of Orchard Rocks day marker.

[Statutory Authority: RCW 77.12.047. 00-17-106 (Order 00-149), § 220-16-590, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-16-590, filed 3/29/00, effective 5/1/00; 98-06-031, § 220-16-590, filed 2/26/98, effective 5/1/98.]

**WAC 220-16-610 Anadromous waters.** "Anadromous waters" is defined as all waters that are not landlocked.

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-16-610, filed 2/26/98, effective 5/1/98.]

**WAC 220-16-700 City of Des Moines Park Conservation Area.** "City of Des Moines Park Conservation Area" is defined as those tidelands owned by the City of Des Moines



at City of Des Moines Park, and the water column above these tidelands.

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-16-700, filed 2/26/98, effective 5/1/98.]

**WAC 220-16-710 South 239th Street Park Conservation Area.** "South 239th Street Park Conservation Area" is defined as those tidelands owned by the City of Des Moines at South 239th Street Park, and the water column above these tidelands.

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-16-710, filed 2/26/98, effective 5/1/98.]

**WAC 220-16-720 Brackett's Landing Shoreline Sanctuary Conservation Area.** "Brackett's Landing Shoreline Sanctuary Conservation Area" is defined as those bed lands and tidelands owned by the City of Edmonds at Brackett's Landing Shoreline Sanctuary, and the water column above these bed lands and tidelands including all of the area known as Edmonds Underwater Park.

[Statutory Authority: RCW 75.08.080. 00-01-103 (Order 99-215), § 220-16-720, filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-16-720, filed 2/26/98, effective 5/1/98.]

**WAC 220-16-730 Colvos Passage Marine Preserve Area.** "Colvos Passage Marine Preserve Area" is defined as those waters and bedlands of Colvos Passage enclosed by a line starting at extreme low water on the west shore at 47°20.87'N, thence due east 300 feet, thence southwesterly paralleling the shore for 500 feet, thence due west to the extreme low water line, thence northeasterly along the extreme low water line to the point of origin.

[Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-16-730, filed 3/29/00, effective 5/1/00.]

**WAC 220-16-740 Waketickeh Creek Conservation Area.** "Waketickeh Creek Conservation Area" is defined as those waters and bedlands from Waketickeh Creek (located 1000 yards northeast of Cummings Point) out perpendicular to shore 500 yards, then parallel to shore northeast 1700 yards, then back to shore along a line perpendicular to shore, excluding the area within 100 feet of ordinary high water.

[Statutory Authority: RCW 77.12.047. 00-17-106 (Order 00-149), § 220-16-740, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-16-740, filed 3/29/00, effective 5/1/00.]

**WAC 220-16-750 Saltar's Point Beach Conservation Area.** "Saltar's Point Beach Conservation Area" is defined as those tidelands owned by the Town of Steilacoom at Saltar's Point Beach located between Montgomery Street and Martin Street, and the water column above those tidelands.

[Statutory Authority: RCW 77.12.047. 00-17-106 (Order 00-149), § 220-16-750, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-16-750, filed 3/29/00, effective 5/1/00.]

**WAC 220-16-760 Keystone Conservation Area.** "Keystone Conservation Area" is defined as all bedlands and tidelands and the waters over these starting at the extreme high water line on the east side of the Keystone jetty in Fort

Casey State Park then easterly along the extreme high water line to a line projected from shore through the easternmost row of pilings of the old military wharf, then offshore along that line southeasterly for 600 feet, then southwest parallel to the shoreline to a point due south of the southern tip of the jetty, then north to the extreme high water line on the southern tip of the jetty, then along the extreme high water line on the east side of the jetty to the point of origin.

[Statutory Authority: RCW 77.12.047. 02-17-017 (Order 02-187), § 220-16-760, filed 8/9/02, effective 9/9/02; 02-08-048 (Order 02-53), § 220-16-760, filed 3/29/02, effective 5/1/02.]

**WAC 220-16-780 Admiralty Head Marine Preserve.** "Admiralty Head Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the west shore of Whidbey Island at 48°09.46'N, 122°40.88'W then northerly along the extreme low water line for 0.6 nautical miles, then due west 400 yards, then southerly parallel to the shore to a point due west of the point of origin, then due east to the point of origin.

[Statutory Authority: RCW 77.12.047. 02-17-017 (Order 02-187), § 220-16-780, filed 8/9/02, effective 9/9/02; 02-08-048 (Order 02-53), § 220-16-780, filed 3/29/02, effective 5/1/02.]

**WAC 220-16-790 Zee's Reef Marine Preserve.** "Zee's Reef Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the northeast side of Fox Island at 47°14.56'N, 122°35.98'W, then extending 0.5 nautical mile northwesterly along the extreme low water line to 47°14.96'N, 122°36.37'W, then northeast to the minus eighty-five foot depth contour (MLLW = 0 feet) at 47°15.00'N, 122°36.30'W, then southeasterly along the eighty-five foot depth contour to 47°14.67'N, 122°35.81'W, then southwest to the point of origin.

[Statutory Authority: RCW 77.12.047. 02-17-017 (Order 02-187), § 220-16-790, filed 8/9/02, effective 9/9/02; 02-08-048 (Order 02-53), § 220-16-790, filed 3/29/02, effective 5/1/02.]

**WAC 220-16-800 Hardshell clam.** "Hardshell clam" means all clams classified as shellfish under WAC 220-12-020 except geoduck clams, horse clams, and mud or softshell clams.

[Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-16-800, filed 3/4/04, effective 5/1/04.]

**WAC 220-16-810 In a wild state.** "In a wild state," when used to describe a population of animals, means the population is naturally reproducing within the state.

[Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-16-810, filed 3/4/04, effective 5/1/04.]

**WAC 220-16-820 Golden Gardens Marine Preserve.** "Golden Gardens Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Golden Gardens city park, bounded on the southwest by a line projected northwest from a sign at the walkway entrance to the beach, and on the northeast by a line projected due west from 122°24'07.2" W, 47°41'51.8" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-820, filed 4/7/05, effective 5/8/05.]

**WAC 220-16-830 Carkeek Park Marine Preserve.** "Carkeek Park Marine Preserve" is defined as two sections of tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Carkeek city park, with a southern section bounded on the south by a line projected perpendicular to the beach from 122°22'49.0" W, 47°42'31.7" N and bounded on the north by a line projected northwest from 122°22'47.41" W, 47°42'43.51" N, and with a northern section bounded on the south by a line projected due west from a point 300 yards north of 122°22'47.41" W, 47°42'43.51" N and bounded on the north by a line projected due west from a point 500 yards north of 122°22'47.41" W, 47°42'43.51" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-830, filed 4/7/05, effective 5/8/05.]

**WAC 220-16-840 Lincoln Park Marine Preserve.** "Lincoln Park Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Lincoln city park, bounded on the south by a line projected due west from 122°23'40.4" W, 47°31'33.1" N, and bounded on the north by a line projected due west from 122°24'05.0" W, 47°31'49.8" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-840, filed 4/7/05, effective 5/8/05.]

**WAC 220-16-850 Discovery Park Marine Preserve.** "Discovery Park Marine Preserve" is defined as two sections of tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Discovery city park, with a southern section located south of West Point bounded on the southeast by a line projected west-southwest from 122°25'31.7" W, 47°39'26.8" N and bounded on the northeast by a line projected west-southwest from the sign posted at the sidewalk entrance to the beach, and with a northern section bounded on the southwest by a line projected northwest from 122°25'20.7" W, 47°40'3.3" N and bounded on the northeast by a line projected northwest from 122°25'4.2" W, 47°40'11.1" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-850, filed 4/7/05, effective 5/8/05.]

**WAC 220-16-860 Emma Schmitz Marine Preserve.** "Emma Schmitz Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water column above those tidelands down to 4.5 feet below MLLW at Emma Schmitz city park, bounded on the south by a line projected along the north edge of SW Oregon Street and bounded on the north by a line projected west-southwest from the high tide line at 122°24'26.5" W, 47°33'53.5" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-860, filed 4/7/05, effective 5/8/05.]

**WAC 220-16-870 Richey Viewpoint Marine Preserve.** "Richey Viewpoint Marine Preserve" is defined as those tidelands owned by the city of Seattle and the water col-

umn above those tidelands down to 4.5 feet below MLLW at Richey Viewpoint city park, bounded on the southeast by a line projected due west from 122°24'49.0" W, 47°34'20.2" N, and bounded on the northwest by a line projected southwest from 122°25'8.8" W, 47°34'30.0" N.

[Statutory Authority: RCW 77.12.047. 05-09-009 (Order 05-52), § 220-16-870, filed 4/7/05, effective 5/8/05.]

## Chapter 220-20 WAC GENERAL PROVISIONS

### WAC

220-20-001	General definitions—Residency.
220-20-010	General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish.
220-20-012	Unlawful sale of food fish and shellfish.
220-20-013	Unlawful possession and sale of unclassified marine invertebrates.
220-20-015	Lawful and unlawful acts—Salmon.
220-20-016	Sale and purchase of commercial caught salmon.
220-20-019	Requirement to provide sales documents.
220-20-020	General provisions—Lawful and unlawful acts—Food fish other than salmon.
220-20-021	Sale of commercially caught sturgeon and bottomfish.
220-20-025	General provisions—Shellfish.
220-20-026	Sale of commercially caught shellfish.
220-20-038	Shellfish—Import.
220-20-039	Live fish—Import and transfer.
220-20-040	General provisions—Rearing and planting food fish.
220-20-045	Scientific collection permits.
220-20-050	Display of registration, salmon guide, and angler permit decals.
220-20-051	Vessel designation requirements.
220-20-060	Commercial fishing license transfer—Notarization.
220-20-065	Commercial licensing—Business organizations—Operator designation.
220-20-070	Recreational fisheries enhancement account—Funding.
220-20-075	License sales—Dishonored check and credit card transaction penalties.
220-20-080	Sale under a direct retail endorsement.
220-20-100	General provisions—Marine protected areas.
220-20-110	Fish and wildlife enforcement officer relief from active duty procedure.
220-20-115	Watchable wildlife program.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-20-017	Commercial fishing licenses—Application and renewal. [Statutory Authority: RCW 75.08.080. 91-16-070 (Order 91-57), § 220-20-017, filed 8/2/91, effective 9/2/91; 89-13-004 (Order 89-44), § 220-20-017, filed 6/8/89; 86-24-047 (Order 86-191), § 220-20-017, filed 11/26/86.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.
220-20-030	General provisions—Off-reservation treaty Indian ceremonial fishing. [Order 866, § 220-20-030, filed 6/12/70.] Repealed by 85-13-032 (Order 85-60), filed 6/12/85. Statutory Authority: RCW 75.08.080.
220-20-055	Commercial license conditions. [Statutory Authority: RCW 75.08.080 and 75.10.120. 89-09-052 (Order 89-22), § 220-20-055, filed 4/18/89; 87-21-018 (Order 87-150), § 220-20-055, filed 10/9/87.] Repealed by 00-01-102 (Order 99-210), filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080.
220-20-056	Commercial fishing license renewal upon the death of the holder. [Statutory Authority: RCW 77.12.047. 01-20-065 (Order 01-222), § 220-20-056, filed 9/28/01, effective 10/29/01.] Repealed by 04-10-108 (Order 04-105), filed 5/5/04, effective 6/5/04. Statutory Authority: RCW 77.12.047.

**WAC 220-20-001 General definitions—Residency.** For purposes of establishing and maintaining residency in order to purchase and use a Washington state resident commercial or recreational hunting or fishing license, a resident

license that is issued to a valid resident of Washington state remains valid for the remainder of the licensing year unless that person obtains a resident license in another state. When a person obtains a resident license in another state, the Washington state resident license becomes invalid.

[Statutory Authority: RCW 77.12.047, 02-16-069 (Order 02-181), § 220-20-001, filed 8/6/02, effective 9/6/02.]

**WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other fish and shellfish.** (1) It shall be unlawful to take, fish for, possess or transport for any purpose fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department.

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the commission or director, unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	( <i>Hippoglossus stenolepis</i> )
Pacific herring	( <i>Clupea harengus pallasi</i> )
(except as prescribed in WAC 220-49-020)	
Salmon	
Chinook	( <i>Oncorhynchus tshawytscha</i> )
Coho	( <i>Oncorhynchus kisutch</i> )
Chum	( <i>Oncorhynchus keta</i> )
Pink	( <i>Oncorhynchus gorbuscha</i> )
Sockeye	( <i>Oncorhynchus nerka</i> )
Masu	( <i>Oncorhynchus masu</i> )
Pilchard	( <i>Sardinops sagax</i> )
Except as provided for in WAC 220-88C-040	

(4) It shall be unlawful for any person to fish for fish or shellfish while in possession in the field of fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked.

(a) Shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy to which shall be affixed in a visible and legible manner the department approved and registered buoy brand issued to the license, provided that:

(i) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(ii) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(b) It is unlawful to operate any gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, a buoy, float, or some other form of marker, visible on the corkline of the net, on which shall be marked in a visible, legible and permanent manner the name and gill net license number of the fisher.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47°20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department.

(8) It shall be unlawful for any person taking or possessing fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such fish or shellfish for inspection by authorized representatives of the department.

(9) It shall be unlawful for any person licensed by the department to fail to make or return any report required by the department relative to the taking, selling, possessing, transporting, processing, freezing and storing of fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot with firearm, crossbow, bow and arrow or compressed air gun, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net or club in the landing of fish taken by personal-use angling unless otherwise provided and it shall be lawful to use a gaff in the landing of tuna, halibut and dogfish in all catch record card areas.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches dur-

ing the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a bow and arrow or spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs.

(f) It shall be lawful to shoot halibut when landing them with a dip net or gaff.

(12) It shall be unlawful to take or possess for any purpose any fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species and it is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director, or to perform any act not specifically authorized in said document or in the regulations of the commission or director.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director.

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the fish and wildlife enforcement office in Olympia prior to testing.

(18) It is unlawful for any person or corporation either licensed by the department or bringing fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

(19) It is unlawful for any person to possess live bottom fish taken under a commercial fishery license.

(20) It is unlawful for any person to use chemical irritants to harvest fish, shellfish or unclassified marine invertebrates except as authorized by permit issued by the department.

[Statutory Authority: RCW 77.12.047, 06-13-023 (Order 06-135), § 220-20-010, filed 6/13/06, effective 7/14/06; 05-08-056 (Order 05-53), § 220-20-010, filed 3/30/05, effective 4/30/05; 02-08-048 (Order 02-53), § 220-20-010, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-20-010, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080, 00-01-096 (Order 99-214), § 220-20-010, filed 12/15/99, effective 1/15/00. Statutory Authority: RCW 75.08.080, 77.12.040, 98-15-081 (Order 98-122), § 220-20-010, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 98-15-031 (Order 98-120), § 220-20-010, filed 7/7/98, effective 8/7/98. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-20-010, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 93-15-051, § 220-20-010, filed 7/14/93, effective 8/14/93; 91-08-054 (Order 91-13), § 220-20-010, filed 4/2/91, effective 5/3/91; 91-01-023, § 220-20-010, filed 12/10/90, effective 1/10/91; 89-02-022 (Order 88-186), § 220-20-010, filed 12/29/88; 88-10-013 (Order 88-15), § 220-20-010, filed 4/26/88; 85-09-017 (Order 85-20), § 220-20-010, filed 4/9/85; 85-08-023 (Order 85-24), § 220-20-010, filed 4/1/85; 84-08-014 (Order 84-24), § 220-20-010, filed 3/27/84; 82-15-040 (Order 82-83), § 220-20-010, filed 7/15/82; 82-07-047 (Order 82-19), § 220-20-010, filed 3/18/82; 81-02-053 (Order 81-3), § 220-20-010, filed 1/7/81; 80-10-058 (Order 80-83), § 220-20-010, filed 8/6/80; 80-07-017 (Order 80-45), § 220-20-010, filed 6/11/80; 79-10-013 (Order 79-75), § 220-20-010, filed 9/7/79; Order 77-14, § 220-20-010, filed 4/15/77; Order 76-148, § 220-20-010, filed 12/2/76; Order 1193, § 220-20-010, filed 3/4/75; Order 1179, § 220-20-010, filed 11/19/74; Order 1106, § 220-20-010, filed 1/10/74; Order 1057, § 220-20-010, filed 5/22/73; Order 945, § 220-20-010, filed 8/16/71; Order 920, § 220-20-010, filed 5/13/71; Order 817, § 220-20-

010, filed 5/29/69; Order 810, § 220-20-010, filed 4/17/69; Order 771-A, § 220-20-010, filed 3/29/68; Order 767, § 1, filed 12/22/67; Order 758, § 3, filed 10/16/67; Order 726, §§ 2, 3, filed 4/24/67; Order 721, § 1, filed 3/9/67; Subsections 1, 2 from Orders 405 and 256, filed 3/1/60; Subsection 3 from Order 677, filed 3/31/66; Subsection 16 from Order 525, filed 5/3/61; Orders 355 and 256, filed 3/1/60; Subsection 4 from Order 591, filed 10/28/63; Orders 479 and 256, filed 3/1/60; Subsection 5 from Orders 383 and 256, filed 3/1/60; Subsections 6, 26, 35 from Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsections 7-11, 13-15, 17, 18, 22 from Orders 355 and 256, filed 3/1/60; Subsection 12 from Orders 407 and 256, filed 3/1/60; Subsections 19, 27 from Orders 480 and 256, filed 3/1/60; Subsection 20 from Order 677, filed 3/31/66; Orders 483 and 256, filed 3/1/60; Subsection 23 from Order 677, filed 3/31/66; Order 605, filed 4/21/64; Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 507, filed 4/13/60; Order 256, filed 3/1/60; Subsection 24 from Order 605, filed 4/21/64; Orders 407 and 256, filed 3/1/60; Subsection 25 from Orders 449 and 256, filed 3/1/60; Subsections 28-33 from Orders 456 and 256, filed 3/1/60; Subsection 34 from Orders 486 and 256, filed 3/1/60; Subsection 36 from Order 591, filed 10/28/63; Subsections 37 and 38 from Order 677, filed 3/31/66; Subsection 39 from Order 672, filed 12/28/65.]

**WAC 220-20-012 Unlawful sale of food fish and shellfish.** In order to prevent the sale of food fish or shellfish taken under personal-use fishing regulations, it shall be unlawful to sell, or offer for sale or purchase, or offer to purchase, any food fish or shellfish unless taken with lawful commercial gear, in an area open to commercial fishing for that species, and the fisherman has in his possession at the time of sale a valid commercial fishing license.

[Statutory Authority: RCW 75.08.080, 81-02-053 (Order 81-3), § 220-20-012, filed 1/7/81; 79-11-069 (Order 79-111), § 220-20-012, filed 10/18/79.]

**WAC 220-20-013 Unlawful possession and sale of unclassified marine invertebrates.** (1) It is unlawful to deliver krill taken for commercial purposes from state or off-shore waters into Washington state, and it is unlawful to possess krill taken for commercial purposes. Violation of this subsection is punishable under RCW 77.15.140.

(2) It is unlawful to traffic in krill. Violation of this subsection is punishable under RCW 77.15.260.

[Statutory Authority: RCW 77.12.047, 05-01-132 (Order 04-320), § 220-20-013, filed 12/16/04, effective 1/16/05.]

**WAC 220-20-015 Lawful and unlawful acts—Salmon.** (1) It is unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(2) It is unlawful to operate any net for removing snags from state waters without permit from the department of fisheries.

(3) It is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length except as follows:

(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net fisheries there is no minimum size limit on salmon taken with gill net gear.

(b) In the Pacific Ocean commercial salmon troll fishery frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(c) This subsection does not apply to salmon raised in aquaculture.

[Title 220 WAC—p. 34]

(4) It is unlawful to set, maintain, or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 75.12.140.

(5) It is lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection (3) of WAC 220-20-015 do not apply to salmon possessed under this subsection.

(6) It is unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(7) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

[Statutory Authority: RCW 77.12.047, 02-23-002 (Order 02-278), § 220-20-015, filed 11/6/02, effective 12/7/02; 00-17-106 (Order 00-149), § 220-20-015, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 98-15-031 (Order 98-120), § 220-20-015, filed 7/7/98, effective 8/7/98; 84-13-078 (Order 84-53), § 220-20-015, filed 6/21/84; 79-10-013 (Order 79-75), § 220-20-015, filed 9/7/79; 78-05-067 (Order 78-20), § 220-20-015, filed 4/27/78; Order 77-66, § 220-20-015, filed 8/5/77; Order 77-14, § 220-20-015, filed 4/15/77; Order 76-24A, § 220-20-015, filed 4/20/76; Order 1251, § 220-20-015, filed 8/18/75; Order 1210, § 220-20-015, filed 5/26/75; Order 1143, § 220-20-015, filed 8/8/74; Order 1116, § 220-20-015, filed 4/30/74; Order 1049, § 220-20-015, filed 4/11/73; Order 984, § 220-20-015, filed 2/17/72; Order 925, § 220-20-015, filed 6/3/71; Order 920, § 220-20-015, filed 5/13/71; Order 810, § 220-20-015, filed 4/17/69.]

**WAC 220-20-016 Sale and purchase of commercial caught salmon.** (1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 77.65 RCW to:

(a) Retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: Provided, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 77.65.280 may sell his catch to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter or attempt to sell or barter salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer except this subsection does not apply to troll caught salmon or the eggs from such salmon.

(d) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pinned predation.

(2) It is unlawful for any person licensed as a wholesale dealer as required under RCW 77.65.280 and acting in the capacity as an original receiver to purchase or attempt to purchase salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

(2007 Ed.)

[Statutory Authority: RCW 77.12.047. 03-10-010 (Order 03-79), § 220-20-016, filed 4/25/03, effective 5/26/03; 01-07-015 (Order 01-32), § 220-20-016, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-20-016, filed 11/19/99, effective 12/20/99; 85-11-020 (Order 85-43), § 220-20-016, filed 5/10/85; 80-01-021 (Order 79-137), § 220-20-016, filed 12/14/79.]

**WAC 220-20-019 Requirement to provide sales documents.** It is unlawful for any individual, firm, or corporation to fail to show on demand to any authorized employee or enforcement officer of the department of fisheries state of Washington fish receiving tickets or sales documents pursuant to WAC 220-69-240.

[Statutory Authority: RCW 75.08.080. 82-17-040 (Order 82-105), § 220-20-019, filed 8/13/82.]

**WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon.** (1) It is unlawful to fish for or possess for commercial purposes any round, undressed sturgeon less than 48 inches or greater than 60 inches in length.

(2) It is unlawful to fish for, possess, or retain green sturgeon taken with commercial gear. Any green sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(3) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(4) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(5) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(6) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(7) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

(8) It is unlawful to fish for or possess carp taken for commercial purposes except as authorized by written permit from the director, except that carp taken incidental to a commercial fishery for other species may be retained for commercial purposes. Failure to comply with the provisions of the carp permit constitutes unlawful use of the carp commercial fishery license.

(9) It is unlawful to fin sharks in Washington state waters, and it is unlawful to possess shark fins in the field unless the carcass of the shark is retained, except that once a commercially taken shark carcass has been delivered to a licensed wholesale dealer or a person acting in that capacity, and the sale of the shark has been recorded on a fish receiving ticket, the shark fins need not be retained with the shark carcass.

(2007 Ed.)

[Statutory Authority: RCW 77.12.047. 07-02-050 (Order 06-301), § 220-20-020, filed 12/27/06, effective 1/27/07; 06-13-024 (Order 06-134), § 220-20-020, filed 6/13/06, effective 7/14/06; 06-07-045 (Order 06-39), § 220-20-020, filed 3/9/06, effective 4/9/06; 02-23-002 (Order 02-278), § 220-20-020, filed 11/6/02, effective 12/7/02; 02-02-049 (Order 01-286), § 220-20-020, filed 12/27/01, effective 1/27/02; 00-17-106 (Order 00-149), § 220-20-020, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 00-01-103 (Order 99-215), § 220-20-020, filed 12/16/99, effective 1/16/00; 98-15-031 (Order 98-120), § 220-20-020, filed 7/7/98, effective 8/7/98; 97-07-043 (Order 97-51), § 220-20-020, filed 3/14/97, effective 4/14/97; 95-23-020 (Order 95-166), § 220-20-020, filed 11/8/95, effective 12/9/95; 93-14-042 (Order 93-54), § 220-20-020, filed 6/29/93, effective 7/30/93. Statutory Authority: RCW 75.08.080 and 75.28.245. 90-07-003 (Order 90-17), § 220-20-020, filed 3/8/90, effective 4/8/90. Statutory Authority: RCW 75.08.080. 90-06-045 (Order 90-15), § 220-20-020, filed 3/1/90, effective 4/1/90; 80-09-072 (Order 80-69), § 220-20-020, filed 7/18/80; 79-03-014 (Order 79-11), § 220-20-020, filed 2/15/79; Order 77-147, § 220-20-020, filed 12/16/77; Order 77-14, § 220-20-020, filed 4/15/77; Order 76-148, § 220-20-020, filed 12/2/76; Order 76-26, § 220-20-020, filed 4/20/76; Order 1193-A, § 220-20-020, filed 3/5/75; Order 1193, § 220-20-020, filed 3/4/75; Order 1143, § 220-20-020, filed 8/8/74; Order 1105, § 220-20-020, filed 12/28/73; Order 1057, § 220-20-020, filed 5/22/73; Order 1045, § 220-20-020, filed 3/8/73; Order 988, § 220-20-020, filed 4/28/72; Order 920, § 220-20-020, filed 5/13/71; Order 862, § 220-20-020, filed 4/16/70; Order 817, § 220-20-020, filed 5/29/69; Order 810, § 220-20-020, filed 4/17/69.]

**WAC 220-20-021 Sale of commercially caught sturgeon and bottomfish.** (1) It is unlawful for any person while engaged in commercial fishing for sturgeon or bottomfish to:

(a) Keep sturgeon smaller or greater than the size limits provided for in WAC 220-20-020, keep more than one sturgeon for personal use, or keep more than the equivalent of one limit of sport caught bottomfish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the Sekiu River must be greater than 26 inches in length and may not exceed 40 inches in length. All commercially taken sturgeon and bottomfish retained for personal use must be recorded on fish receiving tickets.

(b) Sell any sturgeon or bottomfish taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time that the sturgeon is sold under subsection (1)(b) of this section.

(2) It is unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

(3) It is unlawful to purchase, sell, barter or attempt to purchase, sell, or barter any sturgeon eggs taken from sturgeon caught in the Columbia River below Bonneville Dam.

[Statutory Authority: RCW 77.12.047. 06-05-094 (Order 06-24), § 220-20-021, filed 2/14/06, effective 3/17/06. Statutory Authority: RCW 75.08.080. 97-07-043 (Order 97-51), § 220-20-021, filed 3/14/97, effective 4/14/97; 94-12-009 (Order 94-23), § 220-20-021, filed 5/19/94, effective 6/19/94; 85-08-023 (Order 85-24), § 220-20-021, filed 4/1/85; 82-17-040 (Order 82-105), § 220-20-021, filed 8/13/82.]

**WAC 220-20-025 General provisions—Shellfish.** (1) It is unlawful to drive or operate any motor-propelled vehicle,

[Title 220 WAC—p. 35]

land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess soft-shelled crab for any commercial purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

(5) "Shellfish" includes all bodily parts but does not include five pounds or less of relic shells of classified shellfish or relic shells of unclassified freshwater and marine invertebrates. A relic (dead) shell is defined as one which apparently died of natural causes and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the shell has not been cooked-out or freshly cleaned. No license or permit is required to take or possess up to five pounds of relic shells per day. It is unlawful to take or possess more than five pounds of relic shells without first obtaining a scientific collection permit. Notwithstanding the provisions of this section, it is unlawful to remove relic oyster shells from tidelands.

[Statutory Authority: RCW 77.12.047, 06-23-114 (Order 06-289), § 220-20-025, filed 11/17/06, effective 12/18/06; 02-23-002 (Order 02-278), § 220-20-025, filed 11/6/02, effective 12/7/02; 02-08-048 (Order 02-53), § 220-20-025, filed 3/29/02, effective 5/1/02; 00-17-106 (Order 00-149), § 220-20-025, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 00-01-095 (Order 99-213), § 220-20-025, filed 12/15/99, effective 1/15/00; 98-15-031 (Order 98-120), § 220-20-025, filed 7/7/98, effective 8/7/98; 95-23-020 (Order 95-166), § 220-20-025, filed 11/8/95, effective 12/9/95; 94-12-009 (Order 94-23), § 220-20-025, filed 5/19/94, effective 6/19/94; 90-06-045 (Order 90-15), § 220-20-025, filed 3/1/90, effective 4/1/90; 80-13-064 (Order 80-123), § 220-20-025, filed 9/17/80; Order 1179, § 220-20-025, filed 11/19/74; Order 990, § 220-20-025, filed 5/11/72; Order 810, § 220-20-025, filed 4/17/69.]

**WAC 220-20-026 Sale of commercially caught shellfish.** It shall be unlawful for any person commercially fishing for shellfish in Washington state waters or delivering shellfish into a Washington state port that were taken in offshore waters to retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All shellfish taken under commercial license must be recorded on state of Washington fish receiving tickets.

[Statutory Authority: RCW 75.08.080, 93-17-021 (Order 93-77), § 220-20-026, filed 8/10/93, effective 9/10/93.]

**WAC 220-20-038 Shellfish—Import.** It shall be unlawful to import, ship or otherwise cause live shellfish of any kind or form or associated pest, predators or disease organisms, to be introduced into the waters of the state of Washington without first obtaining written permission from the director or the director's authorized agent. The permit shall accompany the shellfish during transit and at the point of introduction. It shall be unlawful for the permit holder to fail to comply with all terms, conditions and provisions of the permit or to perform any act in connection with the permit that is not specifically authorized in the permit. The permit

may specify department inspections and transfer conditions for the import.

[Statutory Authority: RCW 75.08.080, 97-08-078 (Order 97-56), § 220-20-038, filed 4/2/97, effective 5/3/97; 80-13-064 (Order 80-123), § 220-20-038, filed 9/17/80.]

**WAC 220-20-039 Live fish—Import and transfer. (1)**

It is unlawful for any person, group, corporation, association, or government entity to import into, transport, or possess within the state of Washington live fish and/or the viable sexual products thereof, except aquarium fish, game fish, indigenous marine baitfish, and mosquito fish (*Gambusia* spp.) when used by agencies authorized by chapter 17.28 RCW without having first obtained a permit to do so from the director of the department of fisheries. The permit shall accompany the fish and/or sexual products at all times within the state of Washington and shall be presented to department of fisheries employees on demand.

(2) The director may impose conditions in any permit as necessary to insure the protection of food fish within this state from infectious, contagious or communicable diseases and pests. It shall be unlawful to violate the terms and conditions of any permit. In addition to any other penalties provided by law, violation of these rules on the terms and conditions of any permit may result in the suspension and/or revocation of the permit.

[Statutory Authority: RCW 75.08.080, 82-17-040 (Order 82-105), § 220-20-039, filed 8/13/82.]

**WAC 220-20-040 General provisions—Rearing and planting food fish. (1)**

It shall be unlawful for any person, group, corporation, association, or governmental entity to plant or release any food fish into the waters of the state of Washington without first obtaining a permit from the department of fisheries. No permit shall be issued unless the following time periods are observed, and the following information provided the department prior to planting.

(a) Thirty days prior to obtaining food fish or food fish eggs, fry, or fingerlings, or importing the same with the eventual intent to plant in the waters of the state of Washington, the person, group, corporation, association, or governmental entity so intending to plant shall provide the department information as to the source of the food fish or food fish eggs, fry, or fingerlings, species, race, and time and place for the proposed release or other disposition and the size of the food fish to be planted.

(b) Thereafter, the department shall examine the provided information and determine if a permit for the planting of the food fish should be issued. If a proposed plant presents an important conflict or competition to the established stocks in the waters to be planted, conflicts with the department's overall management plan for the waters to be planted, would cause a significant decrease in the abundance of stocks already present, or would significantly inhibit the ability to harvest existing stocks, a permit for planting shall not be issued.

(c) Thirty days prior to planting, and within ten days of the actual plant, the food fish to be released must be made available to the department for inspection for disease. If the department's representative so inspecting is not satisfied the food fish are disease-free, or otherwise in a condition speci-



fied in paragraph (b) of this regulation, the food fish shall not be released in the waters of the state, and any prior departmental approval for such planting is automatically withdrawn. The department will consider a certification by department-approved pathologists that the food fish to be released are disease-free in lieu of actual department inspection.

(d) Any person, group, corporation, association or governmental entity intending to release food fish in the waters of the state, shall report immediately to the department the outbreak of any disease among the food fish, food fish eggs, fry or fingerlings intended to be released. If such outbreak presents a threat to such fishery resource of the state, the department may immediately order such action necessary to protect the state's fisheries, including quarantine or destruction of stocks, sterilization of closures and facilities, cessation of activities, and disposal of the infected fish in a manner satisfactory to the department.

(e) No food fish covered by a permit issued under this regulation shall be branded, tattooed, tagged, fin-clipped or otherwise marked for identification without prior approval by the department.

(f) No facilities shall be constructed or operated for the purpose of food fish propagations or rearing without first obtaining a permit from the department. No permit shall be issued unless the following information is provided the department prior to beginning construction of such facility:

(i) The person, group, corporation, association, or governmental entity so intended to construct such facility shall provide the department information as to the species to be produced in the facility or otherwise affected by the facility, and a general plan of times and places for the proposed releases or other disposition and the size, age, and maturity of the food fish to be released. Functional plans for construction of such facility shall also be provided to the department.

(ii) Thereafter, the department shall examine the provided information and determine if the permit for construction of the facility shall be issued. If the proposed planting, release, or operational scheme presents an important conflict or competition to established stocks of food fish, conflicts with the department's overall management plan for the waters or areas to be planted, would cause a significant decrease in the abundance of stocks already present, or will significantly inhibit the ability to harvest existing stocks, a permit for construction will not be issued.

(iii) A permit for construction or operation of a propagation facility will be revoked if any food fish are planted, released, or otherwise disposed of by any person, group, corporation, association or governmental entity which is the holder of a construction or operation permit under this paragraph if the holder does not, prior to planting or releasing, provide the department with the additional information and secure the additional permits required by this regulation.

(g) An advisory committee of potentially affected groups will be established to provide technical input.

[Order 76-96, § 220-20-040, filed 9/23/76.]

#### **WAC 220-20-045 Scientific collection permits. (1)**

The following definitions apply to this section:

(2007 Ed.)

(a) "Collect" means to take control or to attempt to take control of fish, shellfish, wildlife, or the nests of birds. Collect does not include transitory holding of reptiles, amphibians and invertebrates solely for identification purposes.

(b) "Display" means to place or locate fish, shellfish, wildlife, or the nests of birds, so that public viewing is allowed.

(c) "Encountered" means targeted or nontargeted specimens captured, handled or physically affected by the collecting activity.

(d) "Project" means a planned undertaking of common temporal or geographical activities to reach a common objective. Multiple activities of a similar nature may be grouped under a single project.

(e) "Research" means scientific investigation, and includes education. Electrofishing is a form of scientific investigation.

(f) "Scientific collection permit" and "scientific permit" as referenced in RCW 77.15.660 and 77.32.240 have the same meaning.

(2) It is unlawful for any person to collect fish, shellfish, wildlife, or the nests of birds for research or display purposes on the lands or in the waters of the state of Washington for species, by means, in amounts, or in such condition not authorized under personal use or commercial rules, or in violation of any rule prohibiting possession of unclassified wildlife or prohibited aquatic species, without first obtaining a permit from the department. It is unlawful to fail to comply with any of the provisions of the permit and it is unlawful to buy or sell fish, shellfish, wildlife, or the nests of birds taken under the permit, and it is unlawful to consume or offer for human consumption any fish, shellfish, or wildlife taken under the permit.

(3) Application procedure:

(a) All applications for scientific collection must be submitted on a department application form and delivered to the department office in Olympia. Approval or denial of a scientific collection permit application will be given no more than sixty days after receipt of a complete application.

(b) A separate permit application must be submitted for each project.

(c) Each request for a permit to collect for research purposes must be accompanied by the following information:

(i) A study title.

(ii) A statement of the applicant's qualifications for conducting the project. A statement of the qualifications of anyone conducting activities under the permit, including experience with the methodology of the proposed collection, and the applicant's access to facilities and competence to care for the specimens to be collected, if the collected specimens will be retained in live form by the applicant.

(iii) A study plan which includes: Specific objective(s) for the proposed project including defining an identifiable end point or conclusion toward which efforts are to be directed; the justification for the project; methodology of collection; project start and end dates; project location including county name; names of participants in the collection; names and numbers of species expected to be collected or encountered; and proposed final disposition of specimens collected. Students under the direct on-site supervision of an instructor in an official course of study under an accredited educational

institution may collect on behalf of the instructor holding a scientific collection permit and are not required to be listed on the permit.

(d) Each request for a permit to collect for display purposes must be accompanied by the following information:

(i) A statement of the qualifications of the applicant and all other persons conducting activities under the permit, including experience with the methodology of the proposed collection, and, if live fish, shellfish or wildlife are to be displayed, the name of the publicly owned facility where the display will occur and the competence of the facility operators to care for the specimens.

(ii) A project description, which includes: Reason for display; project location including county name; methodology of collection; names of participants in the collection; names and numbers of species expected to be collected or encountered; display site; length of display; and proposed final disposition of specimens collected.

(e) Any application for a scientific collection permit using firearms must contain a statement that all persons who will use firearms are legally capable of possessing firearms.

(f) An amendment to a project application will be treated as a project application except for the addition or deletion of names of participants in the collection.

(4) Permit periods: Permits are valid for the project period, but not to exceed one year from the date of issuance, except multiyear permits, at the discretion of the department, may be issued for public health purposes.

(5) Reporting: A final report as specified in the permit conditions must be submitted to the department upon completion of the research or display project, and must be received by the department no later than 60 days after the expiration of the permit. Renewable annual permit holders must submit a report each year, and the report must be received by the department within 60 days of the anniversary date of the initial issuance date of the permit. In addition to the final or annual report, interim reports may be required. Issuance of additional permits or permit renewals are subject to prior submission of a project report.

(6) Permit granting and denial: Permits will normally be granted for requests which contribute to the body of fish, shellfish, or wildlife knowledge, increase or maximize the fish, shellfish, and wildlife resource, avoid damage to the various resources, and do not unnecessarily duplicate previous research. Permits will not be granted if the project conflicts with existing activities or conservation goals. Permits will not be granted if the applicant was a prior permit holder and failed to submit required reports. Permits may be denied if the applicant or any other person involved in the collection has a history of fish or wildlife violations or may be revoked if, during the project period, the applicant or any other person involved in the collection commits a fish or wildlife violation.

(7) Miscellaneous permit provisions:

(a) A copy of the scientific collection permit must be in the physical possession of any person exercising the privileges authorized by the permit. Only collection participants named under subsection (3)(c)(iii) or (d)(ii) of this section may collect under the permit.

(b) A scientific collection permit does not authorize the release of specimens collected under the permit except for an

immediate release to the exact site where the collection occurred unless release is specifically allowed as a condition of the permit. Release at any other site requires a transport, release, or planting permit. The conditions of the permit may specify that no release of certain specimens will be allowed.

(c) If the scientific collection allows retention of specimens, an interim, final, or annual collection report for the period documenting when the specimen was collected must be retained for the period of retention of the specimen.

(d) As a condition of receiving a scientific collection permit, the applicant agrees that fish and wildlife officers may, at reasonable times and in a reasonable manner, inspect the specimens collected, as well as the permits, records and facilities of a permit holder.

(e) A scientific collection permit may be revoked for violating the conditions of the permit.

(8) Appeal procedure: A person who is denied a scientific collection permit, who disputes the conditions of a permit, or who has a permit revoked may appeal the department action. Appeals must be filed in writing, and delivered to Legal Services, Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091. Specific grounds for contesting the revocation, denial, or permit conditions must be stated in the appeal. An appeal will be held under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: RCW 77.12.047, 06-07-081 (Order 06-47), § 220-20-045, filed 3/14/06, effective 4/14/06; Order 76-96, § 220-20-045, filed 9/23/76.]

**WAC 220-20-050 Display of registration, salmon guide, and angler permit decals.** (1) At the time a vessel is first designated on any license pursuant to WAC 220-20-051, the department will issue a permanent vessel registration number and a set of two vessel registration decals. The vessel registration decals must be affixed to the registered vessel in a permanent manner and be clearly visible from each side of the vessel.

(2) Salmon guides, upon designating a vessel to be used, will be issued salmon guide license decals for that vessel, which decals must be affixed to the vessel in a permanent manner and be clearly visible from each side of the vessel. Each guide using the vessel must have separate license decals for the vessel. Salmon guide license decals will be issued annually upon renewal of the salmon guide license.

(3) Angler permit decals will be issued annually to each salmon charter licensee upon designation of a vessel and the angler permit decals must be affixed to the vessel in a permanent manner and be clearly visible from each side of the vessel.

[Statutory Authority: RCW 75.08.080, 94-01-001, § 220-20-050, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080 and 75.10.120, 87-21-018 (Order 87-150), § 220-20-050, filed 10/9/87.]

**WAC 220-20-051 Vessel designation requirements.**

(1) In any licensed fishery for which a vessel is required under chapter 75.28 RCW, or for any delivery of food fish or shellfish, or for any charter fishery, it is unlawful to fish for, harvest, deliver, or possess food fish or shellfish unless the licensee has designated the vessel from which the food fish or shellfish are to be taken or delivered, the department has

issued a commercial license to the licensee showing the vessel so designated, and the vessel operator has the commercial license in physical possession.

(2) The following definitions apply to this section:

(a) "Documentation" means vessel documentation by the United States Coast Guard showing eligibility for fishery. Once documentation is presented as evidence of ownership it becomes the only acceptable evidence of ownership unless the vessel is remeasured, found to be less than five net tons and no longer eligible for documentation.

(b) "Initial designation" means the designation by an individual licensee of a vessel to be used in a commercial fishery, for delivery of food fish or shellfish, or for charter fishing. Designation by that licensee on additional licenses is not "initial designation," and required evidence of ownership is the same as for continuing designation.

(c) "Continuing designation" means reapplication for a commercial license with no change in vessel designation.

(3) A licensee does not have to own the vessel being designated on the license. However, each licensee initially designating a vessel, except nontransferable emergency salmon delivery licensees, and every licensee continuing designation after the fourth continuous designation must offer evidence of ownership. The following is the only acceptable evidence of ownership:

(a) For initial designation of a vessel measuring less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(b) For initial designation of a vessel thirty-two feet or greater in length, evidence of ownership is:

(i) Current documentation; or

(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(c) For continuing designation of vessel less than thirty-two feet in length, evidence of ownership may be either current state vessel registration or current documentation.

(d) For continuing designation of a vessel between thirty-two and thirty-six feet in length, evidence of ownership is current state registration for vessels with state registration numbers or current documentation for documented vessels.

(e) For continuing designation of a vessel greater than thirty-six feet in length, evidence of ownership is:

(i) Current documentation; or

(ii) Coast Guard verification that the vessel does not meet the minimum tonnage requirement for documentation (simplified admeasurement); or

(iii) Verification from the American Bureau of Shipping that the vessel does not meet the minimum tonnage requirement for documentation (formal admeasurement).

(4) Every vessel designated to participate in a commercial fishery or to deliver food fish or shellfish must have the official Coast Guard documentation number, complete state registration number, or Alaska department of fish and game registration number permanently displayed in ten-inch tall numbers, or letters and numbers, of proportionate width, clearly visible from each side of the vessel. It is unlawful to participate in a commercial fishery or deliver food fish or

(2007 Ed.)

shellfish without having such numbers displayed. This subsection does not apply to salmon guide, charter or nontransferable emergency salmon delivery licensees, or to Canadian vessels delivering under a nonlimited entry delivery license.

[Statutory Authority: RCW 75.08.080. 94-23-059 (Order 94-162), § 220-20-051, filed 11/14/94, effective 12/15/94; 94-01-001, § 220-20-051, filed 12/1/93, effective 1/1/94.]

**WAC 220-20-060 Commercial fishing license transfer—Notarization.** Any person making application to transfer a commercial fishing license or charter boat angler permit must have the signature of the transferor notarized, and without notarization the department will not transfer a license or angler permit, except the department may transfer the license or angler permit of a decedent without notarization but with appropriate legal certification supporting the transfer.

[Statutory Authority: RCW 75.08.080. 88-16-074 (Order 88-69), § 220-20-060, filed 8/2/88.]

**WAC 220-20-065 Commercial licensing—Business organizations—Operator designation.** Any person which holds a commercial fishing license or delivery license and is a business organization may designate one natural person to act on behalf of the license holder to operate a designated vessel as provided for in this section:

(1) If the business is a sole proprietorship, the designated operator must be the sole proprietor.

(2) If the business is a partnership, the designated operator must be a partner.

(3) If the business is a corporation, the designated operator must be a corporate officer.

(4) In addition to the designated operator, a license holder who is a business organization may designate up to two alternate operators.

(5) A license holder which is a business organization may substitute the designated operator by surrendering the fishery license card, redesignating the operator under the criteria provided for in this section, and paying the replacement license fee provided for in RCW 75.28.030.

[Statutory Authority: RCW 75.08.080. 94-23-059 (Order 94-162), § 220-20-065, filed 11/14/94, effective 12/15/94.]

**WAC 220-20-070 Recreational fisheries enhancement account—Funding.** The department shall deposit into the recreational fisheries enhancement account the sum of \$1,415,000 during fiscal year 2000, based on 127,000 annual license holders and 29,000 short-term license holders fishing for salmon and marine bottomfish in Puget Sound. Beginning in fiscal year 2001, and each year thereafter, the deposit into the recreational fisheries enhancement account shall be adjusted annually to reflect the actual number of license holders fishing for salmon and marine bottomfish in Puget Sound based on an annual survey from the previous license year conducted by the department beginning with the April 1, 1999, to March 31, 2000, license year survey.

[Statutory Authority: RCW 77.32.440. 99-17-096 (Order 99-128), § 220-20-070, filed 8/17/99, effective 9/17/99. Statutory Authority: RCW 75.54.140 and 75.32.370. 99-02-040 (Order 98-263), § 220-20-070, filed 12/31/98, effective 1/1/99.]

**WAC 220-20-075 License sales—Dishonored check and credit card transaction penalties.** All license sales by the department, and by department contract vendors in the case of nonsalmon delivery licenses, are subject to the following provisions.

(1) Definitions. The following definitions apply to this section:

(a) "Collection procedures" means sending a payment on demand notice thirty, sixty, and ninety days after the notice of dishonored instrument has been sent, during which period the person who issued the check or used the credit card will accrue a one percent per month interest fee in addition to the dishonored instrument fee. If the accrued fees have not been paid within thirty days after the mailing of the ninety-day notice, the account will be turned over for collection.

(b) "Dishonored instrument" means a check issued to the department for purchase of a license that has been returned for any reason, including, but not limited to, insufficient funds or closed account, or a credit card transaction with the department for purchase of a license that is not approved by the entity that issued the credit card.

(c) "Dishonored instrument fee" means the additional fee required to be paid for a license that was paid for with a dishonored instrument. The dishonored instrument fee is thirty dollars.

(d) "Notice of dishonored instrument" means the notice sent to a person who attempted purchase of a license with a dishonored instrument. This notice will be mailed to the person at the address given at the time of the license transaction.

(2) Commercial license sales:

(a) All commercial license sales will be made through the Olympia licensing office, except for nonsalmon delivery licenses, which will also be sold through department-approved contract vendors at selected ports.

(b) Commercial licensees who tender a dishonored instrument to the department will not be issued another commercial license of any kind until the license fee, dishonored instrument fee, and, if applicable, interest and collection fees, have been paid.

(c) Commercial licensees who have tendered a dishonored instrument may only replace the dishonored instrument and pay the dishonored instrument fee, and any future license purchases, by cash, certified check or money order for the subsequent two licensing years after the licensing year in which the dishonored instrument was issued.

(d) Except for commercial fishing licenses which require annual renewal in order to purchase subsequent year licenses, commercial licensees who have tendered a dishonored instrument have fifteen days from the mailing date of the notice of dishonored instrument to pay the license and dishonored instrument fee, during which period the license will remain valid if the payment is received by the department by 5:00 p.m. on the fifteenth day, or by 5:00 p.m. on the next working day if the fifteenth day falls on a weekend or holiday. If the fees are not presented within fifteen days, the license will be voided as of the date of issuance, and any deliveries that have been made under the license will be treated as deliveries without a valid license.

(e) Commercial fishing licensees who are renewing a license which requires annual renewal in order to be renewed in a subsequent year, and who tender a dishonored instru-

ment, must pay the license fee and the dishonored instrument fee by December 31st in order to have a valid license for purposes of subsequent renewal.

(f) Commercial licensees who do not replace a dishonored instrument within fifteen days from the mailing date of the notice of dishonored instrument are subject to collection procedures.

(g) Fishers who deliver shellfish or food fish other than salmon on a nonsalmon delivery license, which license has been paid for with a dishonored check from the contract vendor, are not subject to the penalties of this section.

(3) Recreational license sales:

(a) Recreational licensees who have tendered a dishonored instrument have fifteen days from the mailing date of the notice of dishonored instrument to pay the license and dishonored instrument fee, during which period the license will remain valid if the payment is received by the department by 5:00 p.m. on the fifteenth day, or by 5:00 p.m. on the next working day if the fifteenth day falls on a weekend or holiday. If the fees are not presented within fifteen days, the license will be voided as of the date of issuance, and any recreational activities that occurred within the fifteen days will be treated as having occurred without having a valid license, tag or permit.

(b) Recreational licensees who have tendered a dishonored instrument may only replace the dishonored instrument and pay the dishonored instrument fee, and, if applicable, interest, by cash, certified check or money order.

(c) Recreational licensees who do not replace a dishonored instrument within fifteen days from the mailing date of the notice of dishonored instrument are subject to collection procedures.

[Statutory Authority: RCW 77.12.047, 02-05-046 (Order 02-32), § 220-20-075, filed 2/14/02, effective 3/17/02.]

**WAC 220-20-080 Sale under a direct retail endorsement.** It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an

estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

(3) Any fisher selling salmon, sturgeon or crab at retail if the product is taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may be cleaned or headed but not steaked or filleted prior to landing.

(5) In order to allow inspection and sampling, each fisher offering salmon, sturgeon or crab for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment or restaurant or other business which prepares and sells food at retail to which the fisher is selling the salmon, sturgeon or crab. The only acceptable notification is by telephone to 360-902-2936, fax to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) Each fisher offering salmon, sturgeon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon, sturgeon or crab a receipt showing the number, weight and value of salmon, sturgeon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(7) If salmon, sturgeon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(8) Violations of this section are punishable under RCW 77.15.640, Wholesale fish buying and dealing—Rules violations.

[Statutory Authority: RCW 77.12.047, 04-08-025 (Order 04-63), § 220-20-080, filed 3/29/04, effective 4/29/04; 03-05-059 (Order 03-32), § 220-20-080, filed 2/18/03, effective 3/21/03.]

**WAC 220-20-100 General provisions—Marine protected areas.** (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks

(2007 Ed.)

Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Zee's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park Marine Preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. Any organism except finfish taken by hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

[Statutory Authority: RCW 77.12.047, 05-09-009 (Order 05-52), § 220-20-100, filed 4/7/05, effective 5/8/05; 02-08-048 (Order 02-53), § 220-20-100, filed 3/29/02, effective 5/1/02.]

#### **WAC 220-20-110 Fish and wildlife enforcement officer relief from active duty procedure.**

(1) This section governs the actions required for granting relief from active duty and payment of relief from active duty benefits under RCW 77.12.264. Compliance with the procedural steps of this section is mandatory, and failure to comply with these procedures will result in a denial of benefits if payment has not begun, or a termination of payments if payments have begun.

(2) A request for relief from active duty must be filed in writing with the director, and may be filed by either the officer or the officer's representative. For purposes of this section, the officer is the "claimant."

(3) Upon receipt of the relief from active duty request, the director's office will notify the department's personnel office (the personnel office). The personnel office will review the claimant's personnel file to ascertain employment status. The personnel office will determine if a labor and industries on duty injury claim was filed and the status of that claim. If a claim was filed but was disallowed, the department will notify the claimant that the department will not further process a request for relief from active duty until all appeal efforts on the labor and industries on duty injury claim are completed.

(4) The personnel office will respond to the claimant's request for relief from active duty and provide an information request and medical release form to be completed by the claimant and returned to the personnel office. The claimant is required to provide all information and documentation requested by the department specific to the claim. If any requested information is missing, the department will send a second request to the claimant.

(5) Upon receipt of the medical release form and required documentation, the department's labor and indus-

tries claims manager, the department's reasonable accommodation program manager, and the senior human resources consultant assigned to the enforcement program will review the information provided by the claimant. From that review, the personnel manager, or designee, will identify one or more licensed medical specialist(s) as appropriate to the independent medical examination. The medical specialist will provide to the personnel manager a current medical analysis with careful consideration of the essential mental, physical and sensory functions of a fish and wildlife officer. The department will pay for the independent medical examination, and will give due consideration for the location of the claimant's current residence. If the claimant fails to attend any scheduled medical examination or fails to comply with department directions, the request for relief from active duty may be denied.

(6) Within sixty days after the receipt of the results of the independent medical examination, the department will arrange for a panel to review the request for relief from active duty. This panel may consist of one or more licensed, qualified medical professionals, representatives of the department of labor and industries or the department of retirement systems, the department's personnel manager or designee, the assistant director for the enforcement program or designee and, at the claimant's expense, a licensed, qualified medical professional of the claimant's choosing. The department will bear the cost of convening this panel with the exception of any costs associated with the medical professional chosen by the claimant. The panel will provide a written recommendation to the director of the department. The director will make a final decision to either grant or not grant relief from active duty. The director's written decision will be provided to the claimant.

(7) If relief from active duty is granted, the department may require periodic reviews of the claimant's medical condition. Such review may include an independent medical examination. Notice of a scheduled examination will be provided via certified mail to the claimant at least thirty days prior to the scheduled exam. It is the claimant's responsibility to provide the department with the claimant's current address at all times that relief from active duty benefits are being paid. If the certified letter is returned, the claimant fails to attend any scheduled medical examination, or the claimant fails at any point to comply with department directions, the relief from active duty benefits may be discontinued. If a medical examination shows that the claimant is able to perform the essential functions of a fish and wildlife officer position, the claimant will be returned to active service and the relief from active duty benefits will be discontinued.

(8) If the relief from active duty request is denied or the benefits are discontinued for any reason, the claimant may file a written appeal with the director. An appeal must include a copy of any written communication from the department regarding the discontinuance, and must describe in detail the reason the relief from active duty benefits should again be provided. In making a decision on whether to renew payment of relief from active duty benefits, the director may review any information related to the on duty injury claim and may require an independent medical examination. The director's decision is final.

[Statutory Authority: RCW 77.12.047. 04-01-056 (Order 03-302), § 220-20-110, filed 12/11/03, effective 1/11/04.]

#### **WAC 220-20-115 Watchable wildlife program. (1)**

There is established a watchable wildlife program. The minimum amount to participate in the watchable wildlife program is \$30.00 per license year, which includes both the license dealer cost and the automated transaction fee.

(2) Applications to participate in the watchable wildlife program must be made through department license dealers. Each person participating in the watchable wildlife program will receive a vehicle use permit from the license dealer.

(3) Each person participating in the watchable wildlife program will receive a watchable wildlife decal and promotional and informational materials from the department throughout the license year. Persons who contribute more than the minimum amount may receive additional materials or consideration.

[Statutory Authority: RCW 77.12.047. 04-01-052 (Order 03-305), § 220-20-115, filed 12/11/03, effective 1/11/04.]

### **Chapter 220-22 WAC**

#### **MANAGEMENT AND CATCH REPORTING AREAS**

##### **WAC**

220-22-010	Columbia River Salmon Management and Catch Reporting Areas.
220-22-020	Coast, Willapa Harbor, Grays Harbor Salmon Management and Catch Reporting Areas.
220-22-030	Puget Sound Salmon Management and Catch Reporting Areas.
220-22-400	Marine Fish-Shellfish Management and Catch Reporting Areas, Puget Sound.
220-22-410	Marine Fish-Shellfish Management and Catch Reporting Areas, coastal waters.
220-22-510	Aquaculture districts.

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

220-22-310	Treaty Indian—Columbia River. [Order 76-35, § 220-22-310, filed 5/11/76.] Repealed by 79-07-045 (Order 79-42), filed 6/22/79. Statutory Authority: RCW 75.08.080.
220-22-320	Treaty Indian coast, Willapa Harbor, Grays Harbor. [Order 76-35, § 220-22-320, filed 5/11/76.] Repealed by 79-07-045 (Order 79-42), filed 6/22/79. Statutory Authority: RCW 75.08.080.
220-22-330	Treaty Indian, Puget Sound. [Statutory Authority: RCW 75.08.080. 78-05-018 (Order 78-16), § 220-22-330, filed 4/13/78; Order 76-35, § 220-20-330 (codified as WAC 220-22-330), filed 5/11/76.] Repealed by 79-07-045 (Order 79-42), filed 6/22/79. Statutory Authority: RCW 75.08.080.

#### **WAC 220-22-010 Columbia River Salmon Management and Catch Reporting Areas. (1) Area 1A**

shall include those waters of the Columbia River easterly of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and westerly of a line projected from Grays Point in Washington to Tongue Point in Oregon.

(2) **Area 1B** shall include those waters of the Columbia River easterly of a line projected from Grays Point in the state of Washington to Tongue Point in the state of Oregon, westerly of a line projected true north from the water storage tank at the Beaver Munitions Storage Terminal in Oregon, including all waters of Grays Bay, those waters of Deep River

downstream of the Highway 4 Bridge, all waters of Seal Slough, those waters of Grays River downstream of a line projected between fishing boundary markers on both banks at the Leo Reisticka farm, and those waters of Elokomín Slough and Elokomín River downstream of the Highway 4 Bridge.

(3) **Area 1C** shall include those waters of the Columbia River easterly of a line projected true north from the water storage tank at the Beaver Munitions Storage Terminal in the state of Oregon, and downstream of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington.

(4) **Area 1D** shall include those waters of the Columbia River upstream of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington state and westerly of a line projected true north from Rooster Rock in Oregon, and those waters of Camas Slough downstream of the westernmost powerline crossing at the Crown Zellerbach mill.

(5) **Area 1E** shall include those waters of the Columbia River easterly of a line projected true north from Rooster Rock in the state of Oregon, and downstream of a line projected between fishing boundary markers located 4 miles downstream from Bonneville Dam.

(6) **Area 1F** (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of the Gods, located approximately 2.3 miles above Bonneville Dam, and downstream of a line projected from the west end of the Port of The Dalles Dock across the Columbia River to a Washington department of fisheries' boundary marker on the Washington shore.

(7) **Area 1G** (The Dalles Pool) shall include those waters of the Columbia River upstream from a line projected from an Oregon department of fish and wildlife deadline marker on the Oregon shore to the 5-mile-lock light (6 seconds red) on an island near the Oregon shore, to an island near the Washington shore to a Washington department of fisheries' fishing boundary marker on the Washington shore at the southwest corner of Horsethief Lake, SP&S Railroad fill and downstream of a line projected across the thread of the Columbia River at the grain elevator at Rufus, Oregon, to a deadline marker on the Washington shore.

(8) **Area 1H** (John Day Pool) shall include those waters of the Columbia River upstream from a line projected across the thread of the Columbia River from a fishing boundary marker approximately 1/2-mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream of a line projected across the thread of the Columbia River from the upstream bank of the Umatilla River.

[Statutory Authority: RCW 75.08.080, 79-07-045 (Order 79-42), § 220-22-010, filed 6/22/79; Order 77-14, § 220-22-010, filed 4/15/77; Order 76-35, § 220-22-010, filed 5/11/76.]

**WAC 220-22-020 Coast, Willapa Harbor, Grays Harbor Salmon Management and Catch Reporting Areas.** (1) **Area 1** shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the state of Washington to the knuckle of the south Columbia River jetty in the state of Oregon, northerly of a line projected true west from

Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) **Area 2** shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) **Area 2A** shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.

(4) **Area 2B** shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis light, located 123 feet above mean high water at Westport, through the Coast Guard look out tower to the shore near Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) **Area 2C** shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) **Area 2D** shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 Bridge on Johns River.

(7) **Area 2G** shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 305° true to the Island Sands light approximately 2 miles south of Riddle Spit light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected 235 degrees true from the north shore of the Willapa River through Willapa River light number 33 to the south shore, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel



marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater light on a line 171° true, to Leadbetter Point.

(8) **Area 2H** shall include those waters of Willapa Harbor and the Willapa River estuary easterly of Area 2G and downstream from a line projected true north from the Standard Oil dock in South Bend to the opposite shore of the Willapa River.

(9) **Area 2J** shall include those waters of Willapa Harbor lying southerly and westerly of a line projected from Diamond Point to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and thence due west to the North Beach Peninsula, and northerly of a line projected true east-west through marker 20 between Long Island and the North Beach Peninsula.

(10) **Area 2K** shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) **Area 2M** shall include those waters of Willapa Harbor lying southerly and easterly of a line projected from Needle Point approximately 285° true to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and south to Diamond Point, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly and easterly of a line from Stanley Point to Paradise Point.

(12) **Area 3** shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(13) **Area 4** shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(14) **Area 4A** shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

[Statutory Authority: RCW 75.08.080, 90-03-068 (Order 90-05), § 220-22-020, filed 1/19/90, effective 2/19/90; 84-15-008 (Order 84-66), § 220-22-020, filed 7/6/84; 82-13-048 (Order 82-63), § 220-22-020, filed 6/11/82; 81-13-005 (Order 81-37), § 220-22-020, filed 6/8/81; 80-09-072 (Order 80-69), § 220-22-020, filed 7/18/80; 78-07-067 (Order 78-45), § 220-22-020, filed 6/30/78; Order 77-71, § 220-22-020, filed 8/18/77; Order 77-14, § 220-22-020, filed 4/15/77; Order 76-35, § 220-22-020, filed 5/11/76.]

**WAC 220-22-030 Puget Sound Salmon Management and Catch Reporting Areas.** (1) **Area 4B** shall include those waters of Puget Sound easterly of a line projected from

the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) **Area 5** shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) **Area 6** shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) **Area 6A** shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) **Area 6B** shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) **Area 6C** shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) **Area 6D** shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) **Area 7** shall include those waters of Puget Sound southerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shore-line to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) **Area 7A** shall include those waters of Puget Sound northerly of a line projected true east-west through Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880), terminating on the west at the international boundary and on the east at the landfall on Sandy Point.

(10) **Area 7B** shall include those waters of Puget Sound westerly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point, easterly of a line projected from Sandy Point Light No. 2 to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point light on Samish Island 28° true to Whiskey Rock on the north shore of Samish Bay and southwesterly of the mouth of Whatcom Creek, defined as a line projected approximately 14 degrees true from the flashing light at the southwest end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.

(11) **Area 7C** shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to Whiskey Rock on the north shore of Samish Bay.

(12) **Area 7D** shall include those waters of Puget Sound easterly of a line projected 154 degrees true from Sandy Point Light No. 2 (48 degrees, 47.2 minutes north latitude, 122 degrees, 42.7 minutes west longitude as per U.S. Coast Guard Light List No. 19880) to the landfall on Gooseberry Point and south of a line projected true east from Sandy Point Light No. 2 to the landfall on Sandy Point.

(13) **Area 7E** shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(14) **Area 8** shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) **Area 8A** shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) **Area 8D** shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) **Area 9** shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, excluding those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(18) **Area 9A** shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian Reservation.

(19) **Area 10** shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point, westerly of a line projected 233° true from the Azteca Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(20) **Area 10A** shall include those waters of Puget Sound easterly of a line projected 185° true from the southwest corner of Pier 91 through the Duwamish Head light to Duwamish Head.

(21) **Area 10C** shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) **Area 10D** shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) **Area 10E** shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(24) **Area 10F** shall include those waters of Puget Sound easterly of a line projected 233° true from the Azteca Restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal and those waters of the Lake Washington Ship Canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) **Area 10G** shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the

Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) **Area 11** shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(27) **Area 11A** shall include those waters of Puget Sound southerly of a line projected 259 degrees true from Browns Point to the land fall in line with the site of Asarco smelter stack on the opposite shore of Commencement Bay.

(28) **Area 12** shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(29) **Area 12A** shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) **Area 12B** shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(31) **Area 12C** shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the public boat ramp at Union.

(32) **Area 12D** shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) **Area 13** shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) **Area 13A** shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) **Area 13C** shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) **Area 13D** shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(37) **Area 13E** shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(38) **Area 13F** shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(39) **Area 13G** shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(40) **Area 13H** shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(41) **Area 13I** shall include those waters of Puget Sound southwesterly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) **Area 13J** shall include those waters of Puget Sound northwesterly of a line projected from the light at Arcadia to Hungerford Point.

(43) **Area 13K** shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

[Statutory Authority: RCW 75.08.080, 95-13-056 (Order 95-75), § 220-22-030, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-22-030, filed 7/6/94, effective 8/6/94; 90-13-025 (Order 90-49), § 220-22-030, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-22-030, filed 6/8/89; 88-14-133 (Order 88-48), § 220-22-030, filed 7/6/88; 87-15-059 (Order 87-72), § 220-22-030, filed 7/14/87; 85-13-032 (Order 85-60), § 220-22-030, filed 6/12/85; 84-13-078 (Order 84-53), § 220-22-030, filed 6/21/84; 82-15-040 (Order 82-83), § 220-22-030, filed 7/15/82; 81-18-017 (Order 81-101), § 220-22-030, filed 8/25/81; 80-04-070 (Order 80-17), § 220-22-030, filed 3/26/80; 79-07-045 (Order 79-42), § 220-22-030, filed 6/22/79; 78-05-018 (Order 78-16), § 220-22-030, filed 4/13/78; Order 77-66, § 220-22-030, filed 8/5/77; Order 77-14, § 220-22-030, filed 4/15/77; Order 76-35, § 220-22-030, filed 5/11/76.]

#### **WAC 220-22-400 Marine Fish-Shellfish Management and Catch Reporting Areas, Puget Sound.**

(1) **Area 20A** shall include those waters of Puget Sound north of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island and from the westernmost point of Patos Island due east to the international boundary; and west of a line from Point Francis through the marker north of Inati Bay, Lummi Island to Lummi Island.

(2) **Area 20B** shall include those waters of Puget Sound southerly of Area 20A, westerly of a line from Lummi Island through Lummi Rocks to the northernmost tip of Sinclair Island, and northerly of a line from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island and a line which runs from Steep Point on Orcas Island to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Speiden Island and from the western tip of Speiden Island true west to the international boundary.

(3) **Area 21A** shall include those waters of Puget Sound southerly and easterly of Areas 20A and 20B, and westerly of a line from William Point to Governor's Point, and northerly of a line from William Point to the southernmost tip of Vendovi Island to the Sinclair Island light.

(4) **Area 21B** shall include those waters of Puget Sound easterly of and adjacent to Area 21A.

(5) **Area 22A** shall include those waters of Puget Sound south of Area 20B, westerly of 122° 40' W between Sinclair Island and Fidalgo Island and the Deception Pass Bridge; northerly of a line due east from the international boundary to a point 1 nautical mile from Pile Point, San Juan Island,

thence southeasterly along a line 1 nautical mile from the southern shores of San Juan Island and Lopez Island to Davidson Rock near Point Colville, then easterly to a point one nautical mile south of the buoy at Lawson Reef and then due east to Whidbey Island.

(6) **Area 22B** shall include those waters of Puget Sound south of Area 21A, east of 22A, and north of the railroad bridges at Swinomish Channel.

(7) **Area 23A** shall include those waters of Puget Sound southerly of Area 22A; westerly and northerly of a line described as follows: A line segment from Davidson Rock near Point Colville, Lopez Island to a point 2 nautical miles from the Smith Island light thence continuing westerly and southerly 2 nautical miles from the Smith Island light until the line intersects with a line between Smith Island light and the vessel traffic service buoy north of Dungeness Spit, thence to the vessel traffic service buoy, thence southerly and westerly to a point 1 1/2 nautical miles north of the Ediz Hook light thence north to the international boundary.

(8) **Area 23B** shall include those waters of Puget Sound southerly of Area 22A; easterly of 23A; and northerly of a line due west from Partridge Point, Whidbey Island to its intersection with Area 23A.

(9) **Area 23C** shall include those waters of Puget Sound westerly of Area 23A and a line due north from the Ediz Hook light to the international boundary; and easterly of a line projected due north from the mouth of the Sekiu River.

(10) **Area 23D** shall include those waters of Puget Sound southerly of Area 23A and easterly of Area 23C and westerly of a line from the Dungeness light to the vessel traffic service buoy north of Dungeness light.

(11) **Area 24A** shall include those waters of Saratoga Passage and Skagit Bay east of a line between Polnell Point and Rocky Point, Camano Island; south of Area 22B; and east of Area 22A, and north of the Highway 532 Bridge between Camano Island and the mainland.

(12) **Area 24B** shall include those waters of Port Susan south of Area 24A and north of a line from Camano Head on Camano Island to the north tip of Gedney Island and from the southern tip of Gedney Island east to the mainland.

(13) **Area 24C** shall include those waters of Saratoga Passage west of Area 24A; north of a line projected due west of Hackney Island; and northwest of a line from Sandy Point, Whidbey Island to Camano Head, Camano Island.

(14) **Area 24D** shall include Holmes Harbor south of a line projected due west from Hackney Island to Whidbey Island.

(15) **Area 25A** shall include those waters of Puget Sound south of Areas 23A and 23B; east of Area 23D; north of a line projected from Diamond Point to Cape George, and westerly of a line projected from Point Partridge on Whidbey Island to Point Wilson.

(16) **Area 25B** shall include those waters of Admiralty Inlet east of Area 25A; northeast of a line projected from Point Hudson to Marrowstone Point; and north of a line projected from Olele Point to Foulweather Bluff continuing to Double Bluff on Whidbey Island.

(17) **Area 25C** shall include those waters of Hood Canal south of Area 25B and north of the Hood Canal Floating Bridge.

(18) **Area 25D** shall include those waters of Port Townsend Bay southwest of Area 25B.

(19) **Area 25E** shall include those waters of Discovery Bay south of Area 25A.

(20) **Area 26A** shall include those waters of Puget Sound south of Areas 24B, 24C, and 25B and northerly of a line from Apple Cove Point to Point Edwards.

(21) **Area 26B** shall include those waters of Puget Sound south of Area 26A, and east of a line from Point Monroe, Bainbridge Island to the mouth of Miller Bay, and east of a line from Beans Point on Bainbridge Island to Orchard Point, and northerly of a line from the ferry dock at Point Southworth to Brace Point.

(22) **Area 26C** shall include those waters of Puget Sound westerly and adjacent to Area 26B.

(23) **Area 26D** shall include those waters of Puget Sound southerly of Area 26B and northerly of the Tacoma Narrows Bridge.

(24) **Area 27A** shall include those waters of Hood Canal southerly of the Hood Canal Floating Bridge and northerly of a line from Misery Point to Quatsap Point.

(25) **Area 27B** shall include those waters of Hood Canal south of Area 27A and north of a line from Lilliwaup Creek to Dewatto.

(26) **Area 27C** shall include those waters of Hood Canal south of Area 27B.

(27) **Area 28A** shall include those waters of Puget Sound southerly and westerly of the Tacoma Narrows Bridge, south of a line projected from Penrose Point to Green Point in Carr Inlet, south of a line projected from Point Wilson to Whiteman Cove in Case Inlet, and east of a line projected from Brisco Point to Dofflemeyer Point.

(28) **Area 28B** shall include all waters of Carr Inlet north of a line projected from Penrose Point to Green Point.

(29) **Area 28C** shall include those waters of Case Inlet and Pickering Passage north of a line projected from Wilson Point to Whiteman Cove, and north of the highway bridge from the west side of Hartstene Island.

(30) **Area 28D** shall include those waters west of Area 28A and south of Area 28C.

(31) **Area 29** shall include those waters of the Strait of Juan de Fuca west of Area 23C and east of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, then to the most westerly point of Cape Flattery.

(32) This WAC will not apply to hardshell clams, oysters, or geoducks.

[Statutory Authority: RCW 75.08.080, 83-24-024 (Order 83-200), § 220-22-400, filed 11/30/83, effective 1/1/84; 82-24-080 (Order 82-215), § 220-22-400, filed 12/1/82, effective 1/1/83; 78-05-018 (Order 78-16), § 220-22-400, filed 4/13/78; Order 76-148, § 220-22-400, filed 12/2/76.]

**WAC 220-22-410 Marine Fish-Shellfish Management and Catch Reporting Areas, coastal waters.** (1) **Area 50** shall include waters of the Bering Sea north of the Aleutian Islands.

(2) **Area 51** shall include waters south of the Aleutian Islands and west of longitude 159° W.

(3) **Area 52** shall include waters west of longitude 154° W and east of Area 51.

(4) **Area 53** shall include waters west of longitude 147° W and east of Area 52.

(5) **Area 54** shall include waters west of longitude 137° W and east of Area 53.

(6) **Area 55** shall include waters north of latitude 54° 40' N and east of Area 54.

(7) **Area 56** shall include waters north of latitude 50° 30' N and south of Area 55.

(8) **Area 57** shall include waters north of latitude 48° 26' N and south of Area 56.

(9) **Area 58A** shall include waters north of the United States - Canada boundary and south of Area 57.

(10) **Area 58B** shall include waters west of a line projected 220° true southwest from the equidistant point between the United States and Canada along the Cape Flattery to Bonilla Point line, north of a line projected true west from Point Grenville and south of Area 58A.

(11) **Area 59A-1** shall include waters east of the 220° true line, west of a line from Cape Flattery to Bonilla Point, and north of 47° 40' 30" N. Latitude (Destruction Island) exclusive of coastal waters (0-3 miles) north of a line projected true west from Cape Alava.

(12) **Area 59A-2** shall include waters east of the 220° true line, south of 47° 40' 30" N. Latitude (Destruction Island), and north of a line projected true west from Point Grenville.

(13) **Area 59B** shall include coastal waters (0-3 miles) northerly of a line projected true west from Cape Alava and west of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light and then to the most westerly point of Cape Flattery.

(14) **Area 60A-1** shall include waters north of a line projected true west from Point Chehalis (46° 53' 18" N. Latitude) and south of a line projected true west from Point Grenville exclusive of Grays Harbor.

(15) **Area 60A-2** shall include waters north of a line projected true west from the Washington-Oregon boundary in the Columbia River and south of a line projected true west from Point Chehalis (46° 53' 18" N. Latitude) exclusive of the Columbia River estuary and Willapa Bay.

(16) **Area 60B** shall include the waters of Grays Harbor east of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(17) **Area 60C** shall include the saltwater areas of Willapa Bay east of a line from Leadbetter Point to Cape Shoalwater light.

(18) **Area 60D** shall include waters of the Columbia River east of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and west of the Megler-Astoria Bridge.

(19) **Area 61** shall include waters north of latitude 42° 00' N, and south of Area 60A, exclusive of the Columbia River estuary.

(20) **Area 62** shall include waters north of latitude 38° 00' N, and south of Area 61.

(21) **Area 63** shall include waters north of latitude 32° 00' N, and south of Area 62.

(22) **Area 64** shall include all waters south of Area 63.

(23) This WAC will not apply to hardshell clams, oysters, or geoducks.

[Statutory Authority: RCW 75.08.080, 98-05-043, § 220-22-410, filed 2/11/98, effective 3/14/98; 84-08-014 (Order 84-24), § 220-22-410, filed 3/27/84; 82-14-056 (Order 82-72), § 220-22-410, filed 7/1/82; 80-07-017 (Order 80-45), § 220-22-410, filed 6/11/80; Order 76-148, § 220-22-410, filed 12/2/76.]

**WAC 220-22-510 Aquaculture districts.** (1) **Area 41A** shall include all waters of Budd Inlet south of a line between Dofflemeyer Point to Cooper Point.

(2) **Area 41B** shall include all waters of Carr Inlet north and west of a line between Gibson Point on Fox Island and Hyde Point on McNeil Island and a line crossing Pitt Passage southwest from Signal Tower No. 5, and all waters of Hale Passage west of a line from Point Fosdick and Fox Point on Fox Island.

(3) **Area 41C** shall include all waters of Case Inlet between Harstene Island and the Longbranch Peninsula between an east-west line from the extreme north shore of Herron Island, and an east-west line from Johnson Point.

(4) **Area 41D** shall include all waters of Case Inlet north of Area 41C and west of a line running north from Dougall Point.

(5) **Area 41E** shall include all waters of Eld Inlet south of a line across the entrance of Eld Inlet projected from Dofflemeyer Point through Cooper Point.

(6) **Area 41F** shall include all waters surrounding Anderson Island south of Area 41B and 41C and a southwesterly line from Gibson Point on Fox Island to Sunset Beach.

(7) **Area 41G** shall include all waters of Hammersley Inlet and Oakland Bay west of a line between Hungerford Point and Arcadia and the entrance of Hammersley Inlet.

(8) **Area 41H** shall include all waters of Totten and Skookum Inlets southwest of a line from Arcadia to Hunter Point.

(9) **Area 41J** shall include all waters of Pickering Passage and Peale Passage bounded by Areas 41A, 41C, 41H, 41G, 41D, and a line running south from Brisco Point on Harstene Island.

(10) **Area 41K** shall include all waters of Henderson Inlet and Dana Passage east of Area 41J and south of Area 41C.

(11) **Area 41L** shall include all waters of The Narrows, Dalco Passage, and Commencement Bay north and west of Areas 41F and 41B and south of a line from the Gig Harbor entrance marker to Neill Point on Vashon Island to Browns Point.

(12) **Area 41M** shall include all waters of East Passage north and east of Area 41L and south of a line from Point Vashon to Brace Point.

(13) **Area 41N** shall include all waters of Colvos Passage north of Area 41L and south of a line from Point Southworth to Point Vashon.

(14) **Area 42A** shall include all waters of Dyes Inlet, the Washington Narrows, and Sinclair Inlet west of a southeast line from the north shore of the Washington Narrows entrance.

(15) **Area 42B** shall include all waters of Discovery Bay south of a line between Diamond Point and Cape George.

(16) **Area 42C** shall include all waters of all waters of Hood Canal south of the Hood Canal Floating Bridge and north of a line between Quatsap Point and the entrance of Stavis Bay.

(17) **Area 42D** shall include all waters of Hood Canal south of Area 42C and north of a line between Lilliwaup Creek and the south entrance of Dewatto Bay.

(18) **Area 42E** shall include all waters of Hood Canal south of Area 42D.

(19) **Area 42F** shall include all waters of Oak Bay west of a line from Liplip Point on Marrowstone Island to Olele Point and east of the bridge connecting Indian Island and the mainland.

(20) **Area 42G** shall include all waters near Port Angeles south of a line between Angeles Point and the northern extremity of Dungeness Spit.

(21) **Area 42H** shall include all waters north of the Hood Canal Bridge and south of a line between Olele Point and Foulweather Bluff.

(22) **Area 42J** shall include all waters of Port Madison east of the Agate Pass Bridge and west of a line between Point Jefferson and Skiff Point on Bainbridge Island.

(23) **Area 42K** shall include all waters of Port Orchard south of an east-west line at Battle Point on Bainbridge Island, west of a line projected from Restoration Point on Bainbridge Island through the westernmost portion of Blake Island to the Mainland in Yukon Harbor, excluding Area 42A.

(24) **Area 42L** shall include all waters of Port Townsend and Kilisut Harbor bounded by the Indian Island Bridge and a line from Marrowstone Point to Point Wilson.

(25) **Area 42M** shall include all waters of Liberty Bay and those contiguous waters north of Area 42K and south of Area 42J.

(26) **Area 42N** shall include all waters of Admiralty Inlet and Puget Sound north of Areas 41N and 41M, east of 42K and 42J, east of Areas 42H, 42F and 42L, south of a line between Point Wilson and Admiralty Head, and west of a line between Possession Point and Picnic Point.

(27) **Area 42P** shall include all waters of Sequim Bay.

(28) **Area 42R** shall include all waters south of a line between the northern extremity of Dungeness Spit and Point Wilson, excluding Areas 42B and 42P.

(29) **Area 43A** shall include all waters of Padilla Bay west of the line from Shannon Point and the closest portion of Guemes Island, and south of a line between Clark Point on Guemes Island and William Point on Samish Island.

(30) **Area 43B** shall include all waters of Lummi Bay and Bellingham Bay east of the line between Sandy Point and Point Migley on Lummi Island, northeast of the line between William Point on Samish Island and Governors Point.

(31) **Area 43C** shall include all waters of Boundary Bay and Crayton Harbor northeast of the line between Point Roberts and Birch Point, and south of the international border.

(32) **Area 43D** shall include all waters of Possession Sound east of Area 42N, and south of a line from Sandy Point on Whidbey Island, to Camano Head, then to south entrance of Tulalip Bay.

(33) **Area 43E** shall include all waters of Port Susan north of Area 43D.

(34) **Area 43F** shall include all waters of Samish Bay southwest of Area 43B.

(35) **Area 43G** shall include all waters of Saratoga Passage between a line from Sandy Point on Whidbey Island and Camano Head, and a line from Polnell Point on Whidbey Island to Rocky Point on Camano Island.

(36) **Area 43H** shall include all waters of Skagit Bay and Similk Bay north of Area 43G, south of the La Conner Bridge, and east of the Deception Pass Bridge.

(37) **Area 43J** shall include all United States waters of the Strait of Georgia, the United States waters surrounding the San Juan Islands, and the United States waters of the Strait of Juan de Fuca east of Angeles Point.

(38) **Area 43K** shall include all United States waters of the Strait of Juan de Fuca west of Angeles Point and east of a line between Tatoosh Island and Bonilla Point.

(39) **Area 44A** shall include all waters of Grays Harbor north of the marked Chehalis River Channel and west of a line between Point Chehalis and the southwestern most point of the Ocean Shores Peninsula.

(40) **Area 44B** shall include all waters of Grays Harbor south of the marked Chehalis River Channel and west of a line between Point Chehalis and the southwestern most point of the Ocean Shores Peninsula.

(41) **Area 45A** shall include all waters of Willapa Bay north of the Willapa River Channel and west of the North River Channel.

(42) **Area 45B** shall include all waters of Willapa Bay north of the Willapa River Channel, west of the North River Channel and west of a line between Cape Shoalwater and Leadbetter Point.

(43) **Area 45C** shall include all waters of Willapa Bay south of the Willapa River Channel and east of Stoney Point.

(44) **Area 45D** shall include all waters of Willapa Bay south of the Willapa River Channel, west of Stoney Point, east of the Nahcotta Channel, and north and east of a line running north from Goose Point to the middle of the Bay Center Channel and then westerly following the Bay Center Channel to the Nahcotta Channel.

(45) **Area 45E** shall include all waters of Willapa Bay east of the Nahcotta Channel, south of Area 45D, and north of a line projected west from Sandy Point.

(46) **Area 45F** shall include all waters of Willapa Bay east of the Nahcotta Channel, south of Area 45E, and north-east of a line following the Nemah River Channel to channel marker "4" then west of the Nahcotta Channel.

(47) **Area 45G** shall include all waters of Willapa Bay west of Diamond Point, southwest of the Nahcotta Channel, south of Area 45F, and north of a line between Paradise Point on Long Island and Sunshine Point.

(48) **Area 45H** shall include all waters of Willapa Bay south of Area 45G and north and west of the ferry crossing to Long Island.

(49) **Area 45J** shall include all waters of Willapa Bay west of the Long Island ferry crossing and south of High Point.

(50) **Area 45K** shall include all waters of Willapa Bay north of High Point, east of the Nahcotta Channel, and south of the line between Diamond Point and the Nahcotta Boat Basin.

(51) **Area 45L** shall include all waters of Willapa Bay north of High Point, west of the Nahcotta Channel and south of the line between Diamond Point and the Nahcotta Boat Basin.

(52) **Area 45M** shall include all waters of Willapa Bay east of the line between Cape Shoalwater and Leadbetter Point, south of Area 45B, west of Areas 45D, 45E, and 45F, and north of latitude 46 degrees, 35 minutes north.

(53) **Area 45N** shall include all waters of Willapa Bay south of Area 45M, east of Areas 45F and 45G, and north of Areas 45K and 45L.

(54) **Area 47A** shall include all freshwater streams, ponds or lakes in Clallam County.

(55) **Area 47B** shall include all freshwater streams, ponds or lakes in Clark County.

(56) **Area 47C** shall include all freshwater streams, ponds or lakes in Cowlitz County.

(57) **Area 47D** shall include all freshwater streams, ponds or lakes in Grays Harbor County.

(58) **Area 47E** shall include all freshwater streams, ponds or lakes in Island County.

(59) **Area 47F** shall include all freshwater streams, ponds or lakes in Jefferson County.

(60) **Area 47G** shall include all freshwater streams, ponds or lakes in King County.

(61) **Area 47H** shall include all freshwater streams, ponds or lakes in Kitsap County.

(62) **Area 47J** shall include all freshwater streams, ponds or lakes in Lewis County.

(63) **Area 47K** shall include all freshwater streams, ponds or lakes in Mason County.

(64) **Area 47L** shall include all freshwater streams, ponds or lakes in Pacific County.

(65) **Area 47M** shall include all freshwater streams, ponds or lakes in Pierce County.

(66) **Area 47N** shall include all freshwater streams, ponds or lakes in San Juan County.

(67) **Area 47O** shall include all freshwater streams, ponds or lakes in Skagit County.

(68) **Area 47P** shall include all freshwater streams, ponds or lakes in Skamania County.

(69) **Area 47Q** shall include all freshwater streams, ponds or lakes in Snohomish County.

(70) **Area 47R** shall include all freshwater streams, ponds or lakes in Thurston County.

(71) **Area 47S** shall include all freshwater streams, ponds or lakes in Wahkiakum County.

(72) **Area 47T** shall include all freshwater streams, ponds or lakes in Whatcom County.

(73) **Area 48A** shall include all freshwater streams, ponds or lakes in Adams County.

(74) **Area 48B** shall include all freshwater streams, ponds or lakes in Asotin County.

(75) **Area 48C** shall include all freshwater streams, ponds or lakes in Benton County.

(76) **Area 48D** shall include all freshwater streams, ponds or lakes in Chelan County.

(77) **Area 48E** shall include all freshwater streams, ponds or lakes in Columbia County.

(78) **Area 48F** shall include all freshwater streams, ponds or lakes in Douglas County.

(79) **Area 48G** shall include all freshwater streams, ponds or lakes in Ferry County.

(80) **Area 48H** shall include all freshwater streams, ponds or lakes in Franklin County.

(81) **Area 48J** shall include all freshwater streams, ponds or lakes in Garfield County.

(82) **Area 48K** shall include all freshwater streams, ponds or lakes in Grant County.

(83) **Area 48L** shall include all freshwater streams, ponds or lakes in Kittitas County.

(84) **Area 48M** shall include all freshwater streams, ponds or lakes in Klickitat County.

(85) **Area 48N** shall include all freshwater streams, ponds or lakes in Lincoln County.

(86) **Area 48O** shall include all freshwater streams, ponds or lakes in Okanogan County.

(87) **Area 48P** shall include all freshwater streams, ponds or lakes in Pend Oreille County.

(88) **Area 48Q** shall include all freshwater streams, ponds or lakes in Spokane County.

(89) **Area 48R** shall include all freshwater streams, ponds or lakes in Stevens County.

(90) **Area 48S** shall include all freshwater streams, ponds or lakes in Walla Walla County.

(91) **Area 48T** shall include all freshwater streams, ponds or lakes in Whitman County.

(92) **Area 48U** shall include all freshwater streams, ponds or lakes in Yakima County.

[Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-22-510, filed 9/12/86.]

## Chapter 220-24 WAC PACIFIC OCEAN WATERS

### WAC

220-24-010	Unlawful acts.
220-24-020	Lawful acts.
220-24-030	Closed areas.
220-24-040	All-citizen troll seasons.

**WAC 220-24-010 Unlawful acts.** (1) It shall be unlawful for any person to possess in or transport through the waters of District No. 1 for commercial purposes any chinook salmon taken from said waters, or from the waters of the Pacific Ocean and District No. 2 during the period November 1 through April 30 of the following year and during the period June 16 through June 30, except as provided in WAC 220-24-020.

(2) It shall be unlawful for any person to possess or transport through the waters of District No. 1 for commercial purposes any silver salmon taken from said waters, or from the waters of the Pacific Ocean and District No. 2 from November 1 through June 30 of the year following, except as provided in WAC 220-24-020.

(3) It shall be unlawful for any person engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in the wholesale selling of food fish or shellfish for commercial purposes, to have in his possession within the boundaries of the state of Washington any fresh chinook salmon during the



period November 1 through April 30, of the following year and during the period June 16 through June 30: Provided, That the provisions of this subsection shall not apply to chinook salmon lawfully taken from the concurrent waters of the Columbia River, or as otherwise provided.

(4) During the period May 1 through June 14, it shall be unlawful to take, fish for or possess salmon with troll gear for commercial purposes except with single, barbless hooks except on bait hooks and artificial salmon plugs. Bait hooks must have a natural bait attached as its primary attraction while fishing. Spoons, wobblers, dodgers and flexible plastic lures must have barbless hooks. For the purpose of this regulation, a single, barbless hook is defined as a hook with one primary point and no secondary points or barbs curving or projected in any opposite direction.

[Statutory Authority: RCW 75.08.080, 78-05-067 (Order 78-20), § 220-24-010, filed 4/27/78; Order 76-24A, § 220-24-010, filed 4/23/76; Order 76-24, § 220-24-010, filed 4/20/76; subsection 3 rescinded by Order 758, § 1, filed 10/16/67; Order 726, filed 4/24/67; Orders 398 and 256, subsection 1, filed 3/1/60; Orders 355 and 256, subsection 2, filed 3/1/60; Order 564, subsection 3, filed 11/28/62; Order 542, filed 2/15/62; Orders 480 and 256, filed 3/1/60; Order 569, subsection 4, filed 4/11/63; Order 525, filed 5/3/61; Orders 403 and 256, filed 3/1/60.]

**WAC 220-24-020 Lawful acts.** It shall be lawful for a common or contract carrier to transport during seasons in which the taking, catching, or possession of chinook or silver salmon is unlawful in the state of Washington or in waters over which the state of Washington has jurisdiction, an original package or packages containing either silver or chinook salmon which original package or packages both originate from and are destined for some other state, territory or foreign country: Provided, That for the purpose of this regulation the term "original package" shall mean a package from which fish cannot be extracted without an opening or breaking thereof and which is accompanied by documentary proof that the original point of shipment and the point of destination are another state, territory or foreign country: Provided further, That it shall be unlawful for any such carrier to open or break any such original package while the same is in his possession, except for the purpose of reicing: Provided further, That the waters of the Pacific Ocean shall not be considered a state, territory or foreign country.

[Statutory Authority: RCW 77.12.047, 01-13-006 (Order 01-105), § 220-24-020, filed 6/7/01, effective 7/8/01. Statutory Authority: RCW 75.08.080, 79-07-046 (Order 79-43), § 220-24-020, filed 6/22/79; 78-05-067 (Order 78-20), § 220-24-020, filed 4/27/78; Order 76-24, § 220-24-020, filed 4/20/76; Order 1221, § 220-24-020, filed 7/1/75; Order 1116, § 220-24-020, filed 4/30/74; Order 726, § 4 (part), filed 4/24/67; Order 677, subsection 1, filed 3/31/66; Orders 398 and 256, filed 3/1/60; Order 677, subsection 2, filed 3/31/66; Orders 357 and 256, filed 3/1/60; Orders 401 and 256, subsection 3, filed 3/1/60.]

**WAC 220-24-030 Closed areas.** (1) It shall be unlawful to take fish for or possess salmon, for commercial purposes, with troll line gear within a 3 nautical mile radius of the following river mouths during the times specified

- (a) Quillayute River - May 1 to June 15
- (b) Hoh River - May 1 to September 15
- (c) Queets River - May 1 to September 15.

[Order 77-31, § 220-24-030, filed 5/11/77.]

(2007 Ed.)

**WAC 220-24-040 All-citizen troll seasons.** It is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section.

(1) SMCRA 1, 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 1, 2001, and remain open through June 30, 2001, or until the chinook quota is taken. Unlawful to retain coho. No more than 4 spreads per line beginning June 1. Cape Flattery and Columbia River Control Zones closed.

(2) SMCRA 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 1, 2001, and remains open through July 27, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Gear is restricted to plugs with a plug body length of six inches or greater, and no more than 4 spreads per line. Cape Flattery Control Zone closed.

(3) SMCRA 1 opens July 20, 2001, and remains open through September 30, 2001, or until the chinook or coho quotas have been taken. Unlawful to retain wild coho. Columbia River Commercial Control Zone closed.

(4) SMCRA 2 south of the Queets River opens July 28, 2001 or upon closure of the fishery provided for in subsection (2) of this section, and remains open concurrent with the fishery provided for in subsection (3) of this section.

(5) In all fisheries provided for in this section, chinook minimum size 28 inches and coho minimum size 16 inches. No minimum size for pink, sockeye or chum salmon.

(6) Lawful troll gear is restricted to single point, single shank barbless hooks.

(7) It is unlawful for any fisher taking salmon north of the Queets River to fail to land the salmon north of the Queets River and west of Sekiu, or to fail to notify the department before leaving the area. Notification must be made by calling the department at 360-902-2739, and reporting the name of fisher and boat, the area fished, the day leaving the area, and the port of destination.

(8) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the SMCRA fished, or within an adjacent SMCRA closed to all-citizen troll fishing.

(9) The Cape Flattery Commercial Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(10) The Columbia River Commercial Control Zone is defined as an area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. latitude, 124°06'50" W. longitude) and the green lighted Buoy #7 (46°15'09" N. latitude, 124°06'16" W. longitude); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. latitude, 124°03'07" W. longitude to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. latitude, 124°05'20" W. longitude) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4

and tip of the south jetty (46°14'03" N. latitude, 124°04'05" W. longitude), and then along the south jetty to the point of intersection with the Buoy #10 line.

(11) Vessels intending to land their catch taken south of Cape Falcon into a Washington port must notify WDFW before traveling north of Cape Falcon by calling 360-902-2181 and report the name of the vessel, the intended port of landing, the estimated time and date of arrival and the catch aboard.

[Statutory Authority: RCW 77.12.047, 01-13-006 (Order 01-105), § 220-24-040, filed 6/7/01, effective 7/8/01.]

## Chapter 220-28 WAC

### EMERGENCY REGULATIONS

#### WAC

220-28-010 Emergency regulations.

**WAC 220-28-010 Emergency regulations.** It shall be unlawful to take, fish for or possess food fish or shellfish taken contrary to the provisions of any special season or emergency closed period prescribed in this chapter.

[Order 810, § 220-28-010, filed 4/17/69; Order 568, filed 4/25/63; Orders 386 and 256, filed 3/1/60.]

**Reviser's note:** The department of fish and wildlife frequently adopts emergency rules of limited duration that relate to seasons, closures, gear, and other special matters concerning the industry. Such rules are filed with and may be inspected at the Office of the Code Reviser, Legislative Building, Olympia, but because of their transitory nature they are omitted from this compilation under the authority of RCW 34.05.210(4). Copies of emergency rules may be obtained from the Director of Fish and Wildlife, Department of Natural Resources Building, Olympia, Washington 98504.

## Chapter 220-32 WAC

### COLUMBIA RIVER

#### WAC

220-32-050 Indian fishery—Area and qualification.  
 220-32-051 Seasons—Salmon.  
 220-32-052 Weekly open fishing periods—Salmon.  
 220-32-053 Lawful salmon gear—Mesh.  
 220-32-054 Open area salmon—Lone Pine.  
 220-32-055 Off-reservation Indian subsistence fishing.  
 220-32-056 Season and gear—Shad.  
 220-32-057 Season—Sturgeon.  
 220-32-058 Closed areas salmon—River mouths.  
 220-32-059 Unlawful provision—Salmon.  
 220-32-060 Columbia River—Columbia River off-reservation treaty Indian ceremonial fishing.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-32-010 Columbia River—Area 1. [Order 915, § 220-32-010, filed 3/4/71; Order 860, § 220-32-010, filed 3/3/70; Order 719, § 1, (part), filed 1/30/67; Orders 416 and 256, §§ 1, 2, 3, 4, filed 3/1/60; Orders 417 and 256, § 5, filed 3/1/60; Order 674, §§ 6, 7, filed 2/1/66.] Repealed by Order 76-35, filed 5/11/76.  
 220-32-011 Columbia River—Area 1-A. [Order 915, § 220-32-011, filed 3/4/71.] Repealed by Order 76-35, filed 5/11/76.  
 220-32-012 Columbia River—Area 2. [Order 915, § 220-32-012, filed 3/4/71.] Repealed by Order 76-35, filed 5/11/76.  
 220-32-013 Columbia River—Area 3. [Order 1221, § 220-32-013, filed 7/1/75; Order 915, § 220-32-013, filed 3/4/71.] Repealed by Order 76-35, filed 5/11/76.  
 220-32-014 Columbia River—Area 4. [Order 915, § 220-32-014, filed 3/4/71.] Repealed by Order 76-35, filed 5/11/76.  
 220-32-015 Columbia River—Area 4-A. [Order 915, § 220-32-015, filed 3/4/71.] Repealed by Order 76-35, filed 5/11/76.

220-32-016 Columbia River—Shad Area 1. [Order 915, § 220-32-016, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-017 Columbia River—Shad Area 2. [Order 915, § 220-32-017, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-020 Lawful gear—Salmon. [Order 77-14, § 220-32-020, filed 4/15/77; Order 915, § 220-32-020, filed 3/4/71; Order 808, § 220-32-020, filed 2/3/69; Subsection 5, Order 768, § 1, filed 2/1/68; Order 719, filed 1/30/67; Subsections 1, 2, 6, 7, 8, 9 from Orders 416, 256, filed 3/1/60; Subsections 3, 4 from Orders 417, 256, filed 3/1/60; Subsection 5 amended by Order 674, filed 2/1/66; Subsection 9 amended by Order 635, filed 3/31/65.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-021 Lawful gear and seasons—Smelt. [Statutory Authority: RCW 75.08.080, 86-08-039 (Order 86-12), § 220-32-021, filed 3/27/86; Order 77-14, § 220-32-021, filed 4/15/77; Order 983, § 220-32-021, filed 2/17/72; Order 915, § 220-32-021, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-022 Lawful gear—Sturgeon. [Statutory Authority: RCW 75.08.080, 82-19-083 (Order 82-142), § 220-32-022, filed 9/21/82; Order 77-14, § 220-32-022, filed 4/15/77; Order 915, § 220-32-022, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-023 Gill net construction—Shad. [Order 76-26, § 220-32-023, filed 1:45 p.m., 4/20/76; Order 915, § 220-32-023, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-024 Areas and lawful gear—Carp. [Order 77-14, § 220-32-024, filed 4/15/77; Order 983, § 220-32-024, filed 2/17/72; Order 915, § 220-32-024, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-025 Lawful gear size. [Order 77-14, § 220-32-025, filed 4/15/77; Order 915, § 220-32-025, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-030 Salmon seasons—Areas. [Order 77-14, § 220-32-030, filed 4/15/77; Order 1043, § 220-32-030, filed 2/22/73; Order 915, § 220-32-030, filed 3/4/71; Order 860, § 220-32-030, filed 3/3/70; Subsections 1 and 2 amended by Order 768, § 2, filed 2/1/68; Order 719, § 1 (part), filed 1/30/67; Subsections 1 and 2 from Order 633, filed 2/15/65; Order 600, filed 1/30/64; Order 566, filed 2/8/63; Order 542, filed 2/15/61; Order 524, filed 2/6/61; Orders 504 and 256, filed 3/1/60; Subsection 3 from Order 677, filed 3/31/66; Order 547, filed 7/5/62; Orders 495 and 256, filed 3/1/60; Subsection 4 from Order 524, filed 2/6/61; Orders 504 and 256, filed 3/1/60; Subsections 5, 9, 10 from Orders 416 and 256, filed 3/1/60; Subsection 10 amended by Order 638, filed 4/28/65; Subsection 6 from Order 633, filed 2/15/65; Orders 504 and 256, filed 3/1/60; Subsection 7 from Order 633, filed 2/15/65; Order 566, filed 2/8/63; Order 256, filed 3/1/60; Subsection 8 from Orders 447 and 256, filed 3/1/60; Subsection 11 from Order 525, filed 5/3/61; Orders 447 and 256, filed 3/1/60; Subsection 12 from Order 677, filed 3/31/66.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-031 Weekly open fishing periods—Areas. [Order 77-14, § 220-32-031, filed 4/15/77; Order 1043, § 220-32-031, filed 2/22/73; Order 915, § 220-32-031, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-032 Lawful salmon gear—Mesh. [Order 77-14, § 220-32-032, filed 4/15/77; Order 1043, § 220-32-032, filed 2/22/73; Order 915, § 220-32-032, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.  
 220-32-033 Columbia River—Closed area salmon—Gill nets. [Order 915, § 220-32-033, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.

- 220-32-034 Columbia River—Closed area salmon—Troll line. [Order 915, § 220-32-034, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.
- 220-32-035 Columbia River—Emergency. [Order 860, § 220-32-035, filed 3/3/70; Order 719, § 1 (part), filed 1/30/67; Order 525, filed 5/3/61; Orders 483 and 256, filed 3/1/60.] Repealed by Order 1106, filed 1/10/74.
- 220-32-036 Closed areas salmon—River mouths. [Order 77-14, § 220-32-036, filed 4/15/77; Order 983, § 220-32-036, filed 2/17/72; Order 915, § 220-32-036, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.
- 220-32-040 Season and areas—Sturgeon. [Statutory Authority: RCW 75.08.080, 82-19-083 (Order 82-142), § 220-32-040, filed 9/21/82; Order 77-14, § 220-32-040, filed 4/15/77; Order 915, § 220-32-040, filed 3/4/71; Order 860, § 220-32-040, filed 3/3/70; Subsection 3 amended by Order 758, § 3, filed 2/1/68; Order 719, § 1 (part), filed 1/30/67; Subsection 1 from Orders 420 and 256, filed 3/1/60; Subsection 2 from Orders 417 and 256, filed 3/1/60; Subsection 3 from Order 674, filed 2/1/66; Order 633, filed 2/15/65; Order 600, filed 1/30/64; Order 566, filed 3/8/63; Order 542, filed 2/15/62; Order 524, filed 2/6/61; Orders 504 and 256, filed 3/1/60; Subsections 4 and 6 from Orders 416 and 256, filed 3/1/60; Subsection 5 from Orders 447 and 256, filed 3/1/60; Subsection 7 from Order 544, filed 4/3/62; Subsection 8 from Order 674, filed 2/1/66; Subsection 9 from Order 675, filed 2/11/66.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.
- 220-32-041 Seasons and areas—Shad. [Order 77-14, § 220-32-041, filed 4/15/77; Order 76-26, § 220-32-041, filed 1:45 p.m., 4/20/76; Order 1043, § 220-32-041, filed 2/22/73; Order 915, § 220-32-041, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.
- 220-32-042 Columbia River—Weekly closures—Smelt. [Order 915, § 220-32-042, filed 3/4/71.] Repealed by 86-08-039 (Order 86-12), filed 3/27/86. Statutory Authority: RCW 75.08.080.
- 220-32-043 Columbia River—Season—Carp. [Order 915, § 220-32-043, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.
- 220-32-044 Area and gear—Herring, anchovies, candlefish, and pilchards. [Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-32-044, filed 3/27/84; Order 77-14, § 220-32-044, filed 4/15/77; Order 76-26, § 220-32-044, filed 1:45 p.m., 4/20/76; Order 1105, § 220-32-044, filed 12/28/73; Order 915, § 220-32-044, filed 3/4/71.] Repealed by 88-22-005 (Order 88-151), filed 10/20/88. Statutory Authority: RCW 75.08.070 and 75.08.080.

**WAC 220-32-050 Indian fishery—Area and qualification.** It shall be unlawful to take, fish for or possess food fish for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H except that it shall be lawful for individuals possessing treaty fishing rights pursuant to the Yakima Treaty (12 Stat. 951), the Warm Springs Treaty (12 Stat. 963), the Umatilla Treaty (12 Stat. 945), and the Nez Perce Treaty (12 Stat. 957), while having on their person their Federal Tribal Identification Card to take, fish for and possess food fish for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H in accordance with the following regulations.

[Order 77-14, § 220-32-050, filed 4/15/77; Order 915, § 220-32-050, filed 3/4/71; Order 860, § 220-32-050, filed 3/3/70.]

**WAC 220-32-051 Seasons—Salmon.** It shall be lawful to take, fish for and possess salmon for commercial purposes taken with drift gill nets and set nets not exceeding 300 feet in length, and with dip nets and hoop nets in Columbia River

(2007 Ed.)

Salmon Management and Catch Reporting Areas 1F, 1G, and 1H during the following season:

No open season.

[Order 77-14, § 220-32-051, filed 4/15/77; Order 1043, § 220-32-051, filed 2/22/73; Order 915, § 220-32-051, filed 3/4/71.]

**WAC 220-32-052 Weekly open fishing periods—Salmon.** It shall be unlawful during any open season in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H to take, fish for or possess salmon for commercial purposes except during the weekly open period hereinafter designated:

No open season.

[Order 77-14, § 220-32-052, filed 4/15/77; Order 1043, § 220-32-052, filed 2/22/73; Order 915, § 220-32-052, filed 3/4/71.]

**WAC 220-32-053 Lawful salmon gear—Mesh.** It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with any net in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H containing gill net mesh larger than 4-1/2 inches stretch measure during the period 12 noon June 28 to 12 noon July 2; and containing mesh smaller than 7-1/4 inches stretch measure during the period 12 noon August 9 to 12 noon August 20.

[Order 77-14, § 220-32-053, filed 4/15/77; Order 915, § 220-32-053, filed 3/4/71.]

**WAC 220-32-054 Open area salmon—Lone Pine.** It shall be lawful to take, fish for and possess salmon taken for commercial purposes with dip nets, bag nets, and hoop nets at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge during the times it is lawful to take salmon commercially in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H.

[Order 77-14, § 220-32-054, filed 4/15/77; Order 915, § 220-32-054, filed 3/4/71.]

**WAC 220-32-055 Off-reservation Indian subsistence fishing.** (1) It is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess salmon or other food fish for subsistence purposes except in accordance with the provisions of this section.

(2) It is lawful for individuals possessing treaty fishing rights pursuant to the Yakima Treaty, the Warm Springs Treaty, the Umatilla Treaty, and the Nez Perce Treaty to fish for food fish for subsistence family-use purposes subject to the following provisions:

(a) Such fishing is permitted year-round in the following areas: That area of the mainstem Columbia River from a line between a marker on the Washington shore and a marker on the Oregon shore, such line located approximately one-half mile upstream from the mouth of Eagle Creek, upstream to a point at the four-second flashing light #67 approximately 1/2 mile downstream of the Dalles Bridge; that area of the mainstem Columbia River from a point 200 feet above the Dalles Dam fishway exit upstream to a point 600 feet downstream of the John Day Dam fishway entrance; that area of the mainstem Columbia River from a point 200 feet above the John Day Dam fishway exit upstream to a point at the downstream end of the wingwall of the McNary Dam boat lock; that area

of Columbia River from a point 200 feet above the McNary Dam fishway exit upstream to the Highway 12 bridge; excluding those areas within 1/4 mile radius of the mouth of Wind River, Little White Salmon River (Drano Lake), Klickitat River, and Spring Creek Hatchery fishway entrance.

(b) Lawful fishing gear by treaty Indians in the above-designated area includes dip nets and bag nets of a mesh size not exceeding 5 inches attached to a hoop 24 feet or less in circumference, spear, gaff, club, and foul hook.

(c) It is lawful to use sport angling gear in places and at times allowed under chapter 220-56 WAC series for treaty Indian subsistence purposes.

(d) It is unlawful to use drift gill nets or set gill nets for treaty Indian subsistence fishing in the mainstem of the Columbia River except as authorized by the director of the department of fisheries under the provisions of WAC 220-32-060.

(e) It is unlawful to use gill nets, set nets, hoop nets, dip or bag nets with a mesh size exceeding 5 inches, set lines, or any other type of fishing gear not otherwise specifically authorized except during times and in areas where such gear is authorized for commercial fishing purposes.

(3) In accordance with RCW 75.08.265, it is lawful for the following Wanapum Indians to take, fish for, and possess food fish for subsistence purposes in the vicinity of Priest Rapids Dam in specified areas at specified times using specified gear authorized by the director of the department of fisheries. The individuals designated below may be revised from time to time by agreement between the Wanapum Indians and the director of the department of fisheries:

Frank Buck	Jade Buck
Stanley Buck	Robert S. Tomanawash, Sr.
Willie Buck	Lester Umtuch
Harry Buck	Grant Wyena
Ken Buck	Jerry Wyena
Rex Buck, Jr.	Douglas Wyena
Phillip Buck	Jimmy Wyena
Richard Buck	Patrick Wyena

The following provisions apply to this fishery:

(a) It is unlawful to fish at any time, place, or using gear other than that designated by the director of the department of fisheries and authorized by regulation.

(b) It is unlawful for Wanapum Indian fishermen to fail to report, in writing, their total catch to the department of fisheries within five days of the end of fishing activity under subsection (3)(a) of this section.

(c) Should any Wanapum Indian be convicted of violating the provisions of this section, or sell, barter, or attempt to sell or barter any fish taken in this fishery or any treaty Indian fishery, that fishermen will be ineligible to further participate in the Wanapum Indian subsistence fishery unless otherwise determined by the director of the department of fisheries.

(4) It is unlawful to sell, barter, or offer for sale or barter, buy, or for a commercially licensed buyer or wholesale fish dealer to have in possession food fish taken in an Indian subsistence fishery under the provisions of subsections (2) and (3) of this section.

(5) It is unlawful for fishermen participating in an Indian subsistence fishery to fail to submit their catch to department

of fisheries employees for the conduct of biological sampling or to fail to allow necessary biological samples to be taken.

[Statutory Authority: RCW 75.08.080, 85-18-027 (Order 85-112), § 220-32-055, filed 8/27/85; 84-05-046 (Order 84-11), § 220-32-055, filed 2/21/84; 82-17-040 (Order 82-105), § 220-32-055, filed 8/13/82; Order 77-14, § 220-32-055, filed 4/15/77; Order 866, § 220-32-055, filed 6/12/70.]

**WAC 220-32-056 Season and gear—Shad.** It shall be lawful to take, fish for and possess shad taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H with single-wall floater gill net and set net gear containing mesh of a size not less than 5-3/8 inches or larger than 6-1/4 inches stretch measure and said mesh webbing shall be of a breaking strength not greater than a 10-pound pull from 12 noon July 4 to 12 noon July 11. It shall be unlawful to sell any salmon taken during this lawful shad fishery.

[Order 77-14, § 220-32-056, filed 4/15/77; Order 76-26, § 220-32-056, filed 1:45 p.m., 4/20/76; Order 915, § 220-32-056, filed 3/4/71.]

**WAC 220-32-057 Season—Sturgeon.** (1) It is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H except individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with setline gear from January 1 through January 31, and during seasons opened under emergency rule by the department and as provided in this section.

(2) During the open season:

(a) It is unlawful to retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length;

(b) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to the sale of the sturgeon to a wholesale dealer licensed under chapter 75.28 RCW, or to sell or barter sturgeon eggs at retail; or

(c) To deliver to a wholesale dealer licensed under chapter 75.28 RCW any sturgeon that are not in the round with the head and tail intact.

(3) Gear:

(a) Maximum 100 hooks per setline;

(b) Minimum hook size 9/0;

(c) Treble hooks prohibited;

(d) Visible buoys required with operator name and tribal identification clearly marked on the buoy.

[Statutory Authority: RCW 77.12.047, 00-17-117 (Order 00-146), § 220-32-057, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080, 82-19-083 (Order 82-142), § 220-32-057, filed 9/21/82; Order 77-14, § 220-32-057, filed 4/15/77; Order 1043, § 220-32-057, filed 2/22/73; Order 915, § 220-32-057, filed 3/4/71.]

**WAC 220-32-058 Closed areas salmon—River mouths.** It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in or from the following designated closed waters adjacent to the mouths of streams tributary to Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H during the time periods specified.

(1) Those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River

between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline of the mouths of Hood River, Deschutes River, and Umatilla River are closed the entire year.

(2) Those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline of the mouth of the Little White Salmon River are closed the entire year.

(3) Those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline of the mouths of Herman Creek and the Big White Salmon River are closed from August 1 to November 1 of each year.

(4) Those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one- and one-half miles downstream from the western shoreline of the mouths of the Klickitat River and Wind River are closed the entire year.

(5) Those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one- and one-half miles downstream from the western shoreline of the mouth of Spring Creek are closed from August 1 to November 1 of each year.

[Order 77-14, § 220-32-058, filed 4/15/77; Order 915, § 220-32-058, filed 3/4/71.]

**WAC 220-32-059 Unlawful provision—Salmon.** It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in or from the waters of the Klickitat River between the swinging bridge, approximately one- and one-half miles upstream, and a monument located in Section 25, Township 3N, Range 12E, a distance of 25 feet downstream from the entrance to the upper Klickitat Falls Fishway (No. 5), except during the lawful seasons, times, and manners as provided for such fishing in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H under WAC 220-32-051 and 220-32-052.

[Order 77-14, § 220-32-059, filed 4/15/77; Order 915, § 220-32-059, filed 3/4/71.]

**WAC 220-32-060 Columbia River—Columbia River off-reservation treaty Indian ceremonial fishing.** (1) It shall be unlawful for any Indian or group of Indians to conduct ceremonial fishing on the Washington side of the Columbia River or in Washington Columbia River tributaries outside of an Indian reservation without first providing at least one week advance written notification to the director of the Washington state department of fisheries, including all of the following information:

(a) Name, place, and time of ceremony for which fish will be used.

(b) Name of individuals and helpers who will be fishing and transporting fish. Only these individuals will be allowed to fish on the occasion covered by the notice.

(c) Exact location(s) of fishing and the amount of gear to be used at each location.

(2007 Ed.)

(d) Exact beginning and ending dates of ceremonial fishing.

(e) Type of gear to be used in ceremonial fishing.

(f) Estimated number of pounds of fish needed for ceremonial fishing.

(g) If fish are to be stored prior to a ceremony, the location of storage must be identified. If they are not to be stored, it must be so indicated.

(h) The signature of the designated tribal official certified to the Washington department of fisheries in advance.

(2) It shall be unlawful to:

(a) Fish for ceremonial purposes with commercial fishing gear except in those areas where such fishing gear is authorized for commercial fishing.

(b) Engage in ceremonial fishing during any portion of a week within a commercial fishing season which is closed to commercial fishing.

(c) Sell or barter, offer for sale or barter, buy, or for a commercial licensed fish buyer or wholesale fish dealer to have in his possession fish taken for ceremonial purposes.

(d) Engage in ceremonial fishing unless done in compliance with all provisions contained in the advance notice to the department of fisheries of the state of Washington.

(3) Any individual engaged in ceremonial fishing must have in his possession a signed copy or duplicate copy of the written tribal notification to the director of the Washington state department of fisheries that such fishing is to be conducted.

(4) All fishing gear shall be marked and identified at all times while fishing for ceremonial purposes.

(5) A record of the numbers of fish taken for ceremonial purposes will be made and sent promptly to the director of the Washington state department of fisheries upon conclusion of each ceremonial fishing activity.

[Order 1043, § 220-32-060, filed 2/22/73.]

## Chapter 220-33 WAC

### COLUMBIA RIVER—COMMERCIAL FISHERIES BELOW BONNEVILLE DAM

#### WAC

220-33-001	General provision—Commercial fishing regulated.
220-33-005	Definitions—River mouth sanctuaries.
220-33-010	Salmon.
220-33-020	Sturgeon.
220-33-030	Shad.
220-33-040	Smelt.
220-33-060	Herring and anchovies.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-33-050	Carp. [Statutory Authority: RCW 75.08.080, 88-18-066 (Order 88-86), § 220-33-050, filed 9/2/88.] Repealed by 02-02-049 (Order 01-286), filed 12/27/01, effective 1/27/02. Statutory Authority: RCW 77.12.047.
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**WAC 220-33-001 General provision—Commercial fishing regulated.** It is unlawful to fish for food fish in the lower Columbia River for commercial purposes or to possess food fish taken from those waters for commercial purposes, except as provided in this chapter.

[Statutory Authority: RCW 75.08.080, 88-18-066 (Order 88-86), § 220-33-001, filed 9/2/88.]

**WAC 220-33-005 Definitions—River mouth sanctuaries.** As used in this chapter and emergency rules of the director, unless the context clearly requires otherwise:

#### **Grays Bay**

(1) "Grays Bay sanctuary" means those waters of the Columbia River and Grays Bay northerly of a line projected from Rocky Point Light (flashing green 4-second) easterly to Harrington Point.

#### **Elokomin**

(2) "Elokomin-A sanctuary" means those waters of Elokomin Slough and the Columbia River lying northerly and easterly of a straight line from light "37" on the Washington shore to light "39" on Hunting Island.

(3) "Elokomin-B sanctuary" means those waters of Elokomin Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line from light "35" (group flashing green) located on Price Island to light "39" (flashing green) on Hunting Island and northerly and easterly of a line between flashing light "33" on Price Island and quick flashing green light "31" on the Washington shore.

#### **Abernathy**

(4) "Abernathy sanctuary" means those waters of the Columbia River near the mouth of Abernathy Creek from a point 1,300 yards downstream from Abernathy Creek at light "81" (flashing green 4-second) to a point one-half mile upstream and extending to the mid shipping channel of the Columbia River.

#### **Cowlitz**

(5) "Cowlitz sanctuary" means those waters of the Columbia River and Carrolls Channel lying inside the center of the shipping channel between a fishing boundary marker at the junction of the Port of Longview docks and international paper docks on the Washington shore approximately one mile downstream from the Cowlitz River mouth and flashing green light "29A" on Cottonwood Island and also those waters of Carrolls Channel downstream of a line between a fishing boundary marker approximately 3000 feet upstream of the Cowlitz River mouth and a fishing boundary marker on Cottonwood Island.

#### **Kalama**

(6) "Kalama-A sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and lying within one-quarter mile of the Washington shore.

(7) "Kalama-B sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting those waters west of a line projected from Coffin Rock Light "42" in Oregon to the Kalama Range Light "47A" on the Washington shore.

#### **Lewis**

(8) "Lewis-A sanctuary" means those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore.

(9) "Lewis-B sanctuary" means those waters of the Columbia River near the mouth of the Lewis River lying easterly of lines projected from light "79" (flashing green) to the Red Buoy No. 4 thence to a fishing boundary marker on Bachelor Island.

#### **Washougal**

(10) "Washougal sanctuary" means those waters of Camas Slough lying upstream from a line projected true north from the most western tip of Lady Island to the Washington shore and inside of the State Highway 14 Bridge.

#### **Oregon**

(11) "Big Creek sanctuary" means those waters of the Columbia River at the mouth of Big Creek from the Oregon shore across Knappa Slough to Karlson Island about one-quarter mile upstream of the east bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about three-quarters mile downstream from the west bank at the mouth of Big Creek.

(12) "Gnat Creek sanctuary" means those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of Gnat Creek and lying within one-quarter mile of the Oregon shore.

(13) "Sandy River sanctuary" means those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of the Sandy River and lying within one-quarter mile of the Oregon shore.

[Statutory Authority: RCW 75.08.080, 89-09-051 (Order 89-21), § 220-33-005, filed 4/18/89; 88-18-066 (Order 88-86), § 220-33-005, filed 9/2/88.]

**WAC 220-33-010 Salmon.** It is unlawful to fish for salmon in the lower Columbia River for commercial purposes or to possess salmon taken from those waters for commercial purposes, except as provided in this section:

#### **Gear**

(1) Gill net gear may be used to fish for salmon if it does not exceed 1,500 feet in length along the cork line, it is not constructed of monofilament webbing, its mesh size does not exceed 9 3/4 inches, and it does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line.

(2) It is lawful to have a gill net with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through the Tongue Point Select Area.

(3) From December 1 through March 31 it is lawful for salmon fishers to have smelt or sturgeon gill nets aboard while fishing for salmon.

#### **Fishing periods**

(4) The lower Columbia River is closed to commercial salmon fishing, except as provided by emergency rule of the director.

**General**

(5) Unless otherwise specified by emergency rule of the director, the following areas of the lower Columbia River remain closed during open salmon fishing periods:

(a) All tributaries flowing into the lower Columbia River.

- (b) Grays Bay sanctuary.
- (c) Elokommin-A sanctuary.
- (d) Cowlitz sanctuary.
- (e) Kalama-A sanctuary.
- (f) Lewis-A sanctuary.
- (g) Washougal sanctuary.
- (h) Big Creek sanctuary.
- (i) Gnat Creek sanctuary.
- (j) Sandy River sanctuary.

[Statutory Authority: RCW 77.12.047. 00-17-117 (Order 00-146), § 220-33-010, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080. 88-18-066 (Order 88-86), § 220-33-010, filed 9/2/88.]

**WAC 220-33-020 Sturgeon.** It is unlawful to fish for sturgeon in the lower Columbia River for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except as provided in this section:

**Gear**

(1) Gill net gear may be used to fish for sturgeon if it does not exceed 1,500 feet in length along the cork line, it is not constructed of monofilament webbing, its mesh size does not exceed 9 3/4 inches, and it does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line.

(2) From December 1 through March 31 it is lawful for sturgeon fishers to have salmon or smelt gill nets aboard while fishing for sturgeon.

**Fishing periods**

(3) The lower Columbia River is closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

**General**

(4) Sturgeon smaller or greater than the size limits provided for in WAC 220-20-020 may not be retained for commercial purposes and shall be returned immediately to the water. All sturgeon in transit must not have the head or tail removed.

(5) A person engaged in commercial fishing may retain one sturgeon of legal commercial length for personal use.

(6) Sturgeon eggs may not be removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

(7) The head or tail may not be removed from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300 and delivered to a fish processing plant.

(8) A sturgeon carcass with head and tail removed and retained at a fish processing plant must be at least 28 inches in length.

(2007 Ed.)

(9) It is unlawful to gaff sturgeon.

[Statutory Authority: RCW 77.12.047. 00-17-117 (Order 00-146), § 220-33-020, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080. 97-07-043 (Order 97-51), § 220-33-020, filed 3/14/97, effective 4/14/97; 88-18-066 (Order 88-86), § 220-33-020, filed 9/2/88.]

**WAC 220-33-030 Shad.** It is unlawful to fish for shad in the lower Columbia River for commercial purposes or to possess shad taken from those waters for commercial purposes, except as provided in this section:

**Gear**

(1) Gill net gear may be used to fish for shad if:

(a) The cork line of the gill net does not exceed 1,500 feet in length and has sufficient buoyancy to float the cork line on the surface.

(b) The webbing of the gill net is constructed of mesh having a breaking strength of less than 10 pounds. The gill net may be constructed of monofilament webbing or twine.

(c) The mesh size of the gill net is not less than 5-3/8 inches or more than 6-1/4 inches stretch measure.

(d) The gill net does not have more than a single web. The gill net web shall be suspended between a single cork line and a single lead line.

(e) The gill net does not have added lines, strings, backwalls, trammels, or aprons. Riplines may be used but may not be less than 10 fathoms (60 feet) apart.

**Fishing periods**

(2) The lower Columbia River is closed to commercial shad fishing, except as provided by emergency rule of the director. Shad taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

**General**

(3) As used in this chapter and emergency rules of the director, unless the context clearly requires otherwise:

(a) "Shad Area 2S" means those waters of SMCRA 1D and 1E that are upstream of a line projected true north and south through the Washougal blinker light (light "50" flashing red) to a fishing boundary marker on the Washington shore and to the Oregon shore.

(b) "Camas-Washougal Reef Area" means those waters of SMCRA 1D inside of a line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light, thence to the white four-second blinker light on the east end of Lady Island, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly across the State Highway 14 Bridge to the mainland.

[Statutory Authority: RCW 75.08.080. 88-18-066 (Order 88-86), § 220-33-030, filed 9/2/88.]

**WAC 220-33-040 Smelt.** It is unlawful to fish for smelt in the lower Columbia River for commercial purposes or to possess smelt taken from those waters for commercial purposes, except as provided in this section:



**Gear**

- (1) Otter trawl gear may be used to fish for smelt if:
  - (a) The head rope of the trawl does not exceed 25 feet in length.
  - (b) The foot rope or groundline of the trawl does not exceed 25 feet in length.
  - (c) The dimensions of the trawl's otter doors do not exceed 3 feet by 4 feet.
  - (d) The bag length of the trawl, as measured from the center of the head rope to the terminal end of the bunt, does not exceed 35 feet.
  - (e) The bridal rope from the rear of the otter doors to the foot and head ropes does not exceed 8 feet.
  - (f) Each breast rope does not exceed 5 feet.
  - (g) The mesh size used in the trawl does not exceed 2 inches stretch measure.
  - (h) Only one trawl net is fished from the boat at a time.
- (2) Gill net gear may be used to fish for smelt if it does not exceed 1,500 feet in length along the cork line and the mesh size of the net does not exceed 2 inches stretch measure.
- (3) Hand dip net gear may be used to fish for smelt if it does not measure more than 36 inches across the bag frame.
- (4) From December 1 through March 31 it is lawful for smelt fishers to have salmon or sturgeon gill nets aboard while fishing for smelt.

**Fishing periods**

- (5) Otter trawl gear may be used to fish for smelt in SMCRA 1A from 6 p.m. Monday to 6 p.m. Wednesday of each week from March 1 through March 31, and for boats not exceeding 32 feet in length, in SMCRA 1B, 1C, 1D and 1E 7 days per week from December 1 through March 31 of the following year.
- (6) Gill net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E 7 days per week from December 1 of each year through March 31 of the following year.
- (7) Hand dip net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E and tributaries to these areas 7 days per week from December 1 of each year through March 31 of the following year.
- (8) The following areas of the lower Columbia River remain closed to smelt fishing during the open time periods specified in this section:
  - (a) Those waters within one mile of a dam or other obstruction.
  - (b) Those waters of the Cowlitz River upstream from a monument located at Peterson's Eddy, also known as Miller's Eddy.

[Statutory Authority: RCW 77.12.047, 00-17-117 (Order 00-146), § 220-33-040, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080, 88-18-066 (Order 88-86), § 220-33-040, filed 9/2/88.]

**WAC 220-33-060 Herring and anchovies.** It is unlawful to fish for herring or anchovies in the lower Columbia River for commercial purposes or to possess herring or anchovies taken from those waters for commercial purposes, except as provided in this section:

[Title 220 WAC—p. 58]

**Gear**

- (1) Purse seine and lampara gear may be used to fish for anchovies if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.
- (2) Lampara gear may be used to fish for herring if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.
- (3) It is unlawful to fish with purse seine or lampara gear in the waters of the Columbia River if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

**Licensing**

- (4)(a) A baitfish purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.
- (b) A baitfish lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.
- (c) A herring lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

**Fishing periods**

- (5)(a) Purse seine and lampara gear may be used to fish for anchovies in SMCRA 1A 7 days per week from January 1 through December 31 of each year.
- (b) Lampara gear may be used to fish for herring in SMCRA 1A 7 days per week from January 1 through December 31.

**General**

- (6) Species of fish other than herring or anchovies, except shad and pilchard, taken in the operation of the purse seine and lampara gear shall be returned immediately to the water. Pilchard taken incidental to the herring and anchovy fisheries provided for in this section may not exceed twenty-five percent of the weight of any landing.

[Statutory Authority: RCW 77.12.047, 03-05-062 (Order 03-26), § 220-33-060, filed 2/18/03, effective 3/21/03; 01-07-016 (Order 01-36), § 220-33-060, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 95-23-020 (Order 95-166), § 220-33-060, filed 11/8/95, effective 12/9/95; 94-12-009 (Order 94-23), § 220-33-060, filed 5/19/94, effective 6/19/94; 88-18-066 (Order 88-86), § 220-33-060, filed 9/2/88.]

## Chapter 220-36 WAC

### GRAYS HARBOR

**WAC**

220-36-015	Gill net gear—Grays Harbor specifications.
220-36-020	Grays Harbor salmon fishing—Lawful gear.
220-36-021	Salmon—Grays Harbor—Summer fishery.
220-36-023	Grays Harbor salmon—Fall fishery.
220-36-025	Closed areas—Grays Harbor and tributaries.
220-36-03001	Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon.
220-36-031	Grays Harbor—Season and gear—Sturgeon.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-36-010	Salmon fishing areas. [Order 1049, § 220-36-010, filed 4/11/73; Order 925, § 220-36-010, filed 6/3/71; Order
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(2007 Ed.)

726, § 4 (part), filed 4/24/67; subsection 2 amended by Order 638, filed 4/28/65; subsection 1 from Orders 336 and 256, filed 3/1/60; subsection 2 from Orders 465 and 256, filed 3/1/60.] Repealed by Order 76-35, filed 5/11/76.

220-36-022 Salmon fishing areas—Weekly periods. [Statutory Authority: RCW 75.08.080. 87-21-041 (Order 87-161), § 220-36-022, filed 10/14/87; 86-15-016 (Order 86-55), § 220-36-022, filed 7/10/86; 85-13-073 (Order 85-64), § 220-36-022, filed 6/19/85; 84-15-008 (Order 84-66), § 220-36-022, filed 7/6/84; 83-13-054 (Order 83-53), § 220-36-022, filed 6/15/83; 82-13-048 (Order 82-63), § 220-36-022, filed 6/11/82; 81-13-005 (Order 81-37), § 220-36-022, filed 6/8/81; 80-09-072 (Order 80-69), § 220-36-022, filed 7/18/80; Order 77-71, § 220-36-022, filed 8/18/77; Order 77-44, § 220-36-022, filed 6/3/77; Order 76-73, § 220-36-022, filed 8/16/76; Order 1221, § 220-36-022, filed 7/1/75; Order 1133, § 220-36-022, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-36-024 Salmon fishing areas—Mesh sizes—Gear. [Statutory Authority: RCW 75.08.080. 87-21-041 (Order 87-161), § 220-36-024, filed 10/14/87; 86-15-016 (Order 86-55), § 220-36-024, filed 7/10/86; 85-13-073 (Order 85-64), § 220-36-024, filed 6/19/85; 84-15-008 (Order 84-66), § 220-36-024, filed 7/6/84; 83-13-054 (Order 83-53), § 220-36-024, filed 6/15/83; 82-13-048 (Order 82-63), § 220-36-024, filed 6/11/82; 81-13-005 (Order 81-37), § 220-36-024, filed 6/8/81; 80-09-072 (Order 80-69), § 220-36-024, filed 7/18/80; Order 77-71, § 220-36-024, filed 8/18/77; Order 76-73, § 220-36-024, filed 8/16/76; Order 1221, § 220-36-024, filed 7/1/75; Order 1133, § 220-36-024, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.

220-36-030 Emergencies. [From Order 525, filed 5/3/61; Order 507, filed 4/13/60; Orders 483 and 256, filed 3/1/60.] Repealed by deletion, Order 726, filed 4/24/67.

220-36-040 Seasons and lawful gear—Other varieties. [Subsections 1 and 2 from Order 525, filed 5/3/61; Orders 336 and 256, filed 3/1/60; subsections 3-6 from Orders 336 and 256, filed 3/1/60; subsection 7 from Order 605, filed 4/21/64; Orders 336 and 256, filed 3/1/60.] Repealed and reenacted by Order 726, filed 4/24/67, as WAC 220-36-030.

**WAC 220-36-015 Gill net gear—Grays Harbor specifications.** It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(1) The gill net does not exceed 1,500 feet in length along the cork line; and

(2) Except as otherwise provided in this chapter, the mesh size of the gill net is not less than 5 inches or greater than 6-1/2 inches stretch measure.

[Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-36-015, filed 7/28/89, effective 8/28/89.]

**WAC 220-36-020 Grays Harbor salmon fishing—Lawful gear.** It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in Grays Harbor fishing areas except for salmon taken with gill net gear as provided for in this chapter.

[Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-36-020, filed 7/28/89, effective 8/28/89; 86-15-016 (Order 86-55), § 220-36-020, filed 7/10/86; 80-09-072 (Order 80-69), § 220-36-020, filed 7/18/80; Order 1221, § 220-36-020, filed 7/1/75; Order 1116, § 220-36-020, filed 4/30/74; Order 1049, § 220-36-020, filed 4/11/73; Order 995, § 220-36-020, filed 6/8/72; Order 925, § 220-36-020, filed 6/3/71; Order 864, § 220-36-020, filed 5/12/70; Order 813, § 220-36-020, filed 5/5/69; Order 772-A, § 220-36-020, filed 4/15/68; subsections 1, 2 and 3 from Order 679, filed 4/20/66; subsection 4 from Order 679, filed 3/31/66; Order 638, filed 4/28/65; Order 605, filed 4/21/64; Order 569, filed 4/11/63; Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60.]

(2007 Ed.)

**WAC 220-36-021 Salmon—Grays Harbor—Summer fishery.** July 5 through August 15 it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

[Statutory Authority: RCW 77.12.047. 01-13-055 (Order 01-104), § 220-36-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-36-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-36-021, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-021, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-021, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-021, filed 6/3/94, effective 7/4/94; 90-18-023 (Order 90-77), § 220-36-021, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-021, filed 7/28/89, effective 8/28/89; 88-19-098 (Order 88-116), § 220-36-021, filed 9/20/88; 87-21-041 (Order 87-161), § 220-36-021, filed 10/14/87; 86-15-016 (Order 86-55), § 220-36-021, filed 7/10/86; 85-13-073 (Order 85-64), § 220-36-021, filed 6/19/85; 84-15-008 (Order 84-66), § 220-36-021, filed 7/6/84; 83-13-054 (Order 83-53), § 220-36-021, filed 6/15/83; 82-13-048 (Order 82-63), § 220-36-021, filed 6/11/82; 81-13-005 (Order 81-37), § 220-36-021, filed 6/8/81; 80-09-072 (Order 80-69), § 220-36-021, filed 7/18/80; Order 77-71, § 220-36-021, filed 8/18/77; Order 77-44, § 220-36-021, filed 6/3/77; Order 76-73, § 220-36-021, filed 8/16/76; Order 1221, § 220-36-021, filed 7/1/75; Order 1133, § 220-36-021, filed 7/19/74.]

**WAC 220-36-023 Grays Harbor salmon—Fall fishery.** August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

#### Fishing periods

(1) Gill net gear may be used to fish for salmon and sturgeon. All nonlegal sturgeon and steelhead must be handled with care to minimize injury and released immediately:

Time	Areas
7:30 a.m. October 8 through 6:30 p.m. October 8, 2005	2C
9:30 a.m. October 13 through 5:30 p.m. October 13, 2005, and 10:30 a.m. October 14 through 6:30 p.m. October 14, 2005	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.
	AND
	That portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net

web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(i) Fishers must take department observers if requested by department staff when participating in these openings, and provide notice of intent to participate by contact to the quick reporting phone, fax or e-mail, WAC 220-69-240, prior to 10:00 a.m. the day preceding each opening.

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
7:30 a.m. October 15 through 6:30 p.m. October 15, 2005	Area 2B
7:30 a.m. October 16 through 6:30 p.m. October 16, 2005	
7:30 a.m. October 28 through 6:30 p.m. October 28, 2005, and	
7:30 a.m. October 29 through 6:30 p.m. October 29, 2005	

(a) Drift gill gear only. Unlawful to use set net gear.

(b) 6 1/2-inch maximum mesh restriction.

(c) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

(d) Fishers must take department observers if requested by department staff when participating in these fisheries. Notice of intent to participate not required.

[Statutory Authority: RCW 77.12.047, 05-17-006 (Order 05-167), § 220-36-023, filed 8/3/05, effective 9/3/05; 04-16-013 (Order 04-183), § 220-36-023, filed 7/22/04, effective 8/22/04; 03-18-004 (Order 03-208), § 220-36-023, filed 8/20/03, effective 9/20/03; 01-13-055 (Order 01-104), § 220-36-023, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-36-023, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080, 99-24-104 (Order 99-206), § 220-36-023, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-36-023, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-15-148 (Order 97-123), § 220-36-023, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-023, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-023, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-023, filed 6/3/94, effective 7/4/94; 93-14-042 (Order 93-54), § 220-36-023, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-36-023, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-023, filed 7/28/89, effective 8/28/89.]

**WAC 220-36-025 Closed areas—Grays Harbor and tributaries.** (1) It is unlawful to take, fish for, or possess salmon taken for commercial purposes from those waters at the mouth of Grays Harbor lying westerly of a line projected from the Point Chehalis Light at Westport through the Coast Guard tower to the shore at Point Brown and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(2) During the period March 1 through July 31, it is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess food fish taken for any purpose from the waters of the Chehalis River or any tributary of the Chehalis River upstream of the Porter Bridge.

(3) It is unlawful to fish for or possess salmon taken for commercial purposes from the Westport Boat Basin.

[Statutory Authority: RCW 75.08.080, 86-15-016 (Order 86-55), § 220-36-025, filed 7/10/86; 83-10-015 (Order 83-30), § 220-36-025, filed 4/26/83; 78-07-067 (Order 78-45), § 220-36-025, filed 6/30/78; Order 77-14, § 220-36-025, filed 4/15/77; Order 1133, § 220-36-025, filed 7/19/74.]

**WAC 220-36-03001 Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon.**

(1) It is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60B to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It is lawful to fish for and possess bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It is lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D, and it is lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(4) It is lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It is lawful to fish for and possess herring, anchovies, candlefish, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 - It is lawful to fish for and possess anchovies, candlefish, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided it is unlawful to use gear exceeding 1,400 feet in length or containing meshes of less than 1/2-inch stretch measure. It is lawful to fish for herring with lampara gear in the waters of Grays Harbor, provided it is unlawful to use gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, candlefish, and anchovy taken in operation of such purse seine or lampara gear must be immediately returned to the water.

(b) February 1 through April 15 - Closed to all commercial herring, anchovy, candlefish, or pilchard fishing except dip bag net.

(7) It is lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

(8) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

[Statutory Authority: RCW 77.12.047, 03-05-062 (Order 03-26), § 220-36-03001, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080, 95-23-020 (Order 95-166), § 220-36-03001, filed 11/8/95, effective 12/9/95; 85-06-033 (Order 85-14), § 220-36-03001, filed 3/1/85; 84-08-014 (Order 84-24), § 220-36-03001, filed 3/27/84; 80-09-072 (Order 80-69), § 220-36-03001, filed 7/18/80; 79-05-007 (Order 79-20), § 220-36-03001, filed 4/11/79; 78-07-067 (Order 78-45), § 220-36-03001, filed 6/30/78; Order 77-14, § 220-36-030 (codified as WAC 220-36-03001), filed 4/15/77; Order 76-148, § 220-36-030 (codified as WAC 220-36-03001), filed 12/2/76; Order 1049, § 220-36-030, filed 4/11/73; Order 925, § 220-36-030, filed 6/3/71; Order 864, § 220-36-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 2 from Order 525, filed 5/3/61; subsection 7 from Order 605, filed 4/21/64; Orders 336 and 256, filed 3/1/60.]

**WAC 220-36-031 Grays Harbor—Season and gear—Sturgeon.** It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60B except at those times, with the gear, and subject to the provisions of this section:

(1) It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

(2) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

(3) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Grays Harbor Salmon Management and Catch

Reporting Area except it is unlawful to retain white sturgeon taken prior to August 1st.

[Statutory Authority: RCW 75.08.080, 90-18-023 (Order 90-77), § 220-36-031, filed 8/24/90, effective 9/24/90; 85-06-033 (Order 85-14), § 220-36-031, filed 3/1/85.]

## Chapter 220-40 WAC WILLAPA HARBOR

### WAC

220-40-015	Willapa Bay—Gill net gear specifications.
220-40-020	Willapa Bay salmon—Seasons and lawful gear—Salmon.
220-40-021	Willapa Bay salmon—Summer fishery.
220-40-027	Salmon—Willapa Bay fall fishery.
220-40-030	Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon.
220-40-031	Willapa Bay—Seasons and lawful gear—Sturgeon.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-40-010	Willapa Harbor—Areas. [Order 1221, § 220-40-010, filed 7/1/75; Order 1133, § 220-40-010, filed 7/19/74; Order 995, § 220-40-010, filed 8/6/72; Order 925, § 220-40-010, filed 6/3/71; Order 864, § 220-40-010, filed 5/12/70; Order 813, § 220-40-010, filed 5/5/69; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 2 from Order 679, filed 4/20/66; subsections 2d and 2e from Order 544, filed 4/3/62; subsections 1, 1a, 2, 2a, 2b, from Orders 341 and 256, filed 3/1/60; subsections 1b, 1c, 1d, from Orders 476 and 256, filed 3/1/60; subsections 2c, 2f from Orders 448 and 256, filed 3/1/60; Orders 448 and 256, filed 3/1/60; Order 256, filed 3/1/60.] Repealed by Order 76-35, filed 5/11/76.
220-40-022	Willapa Harbor—Weekly periods. [Statutory Authority: RCW 75.08.080, 87-21-041 (Order 87-161), § 220-40-022, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-022, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-022, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-022, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-022, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-022, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-022, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-022, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-022, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-022, filed 8/18/78; Order 77-71, § 220-40-022, filed 8/18/77; Order 77-44, § 220-40-022, filed 6/3/77; Order 76-73, § 220-40-022, filed 8/16/76; Order 1221, § 220-40-022, filed 7/1/75; Order 1133, § 220-40-022, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.
220-40-024	Willapa Harbor—Mesh sizes—Gear. [Statutory Authority: RCW 75.08.080, 87-21-041 (Order 87-161), § 220-40-024, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-024, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-024, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-024, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-024, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-024, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-024, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-024, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-024, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-024, filed 8/18/78; Order 77-71, § 220-40-024, filed 8/18/77; Order 76-73, § 220-40-024, filed 8/16/76; Order 1221, § 220-40-024, filed 7/1/75; Order 1133, § 220-40-024, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.
220-40-025	Willapa Harbor—Closed area. [Statutory Authority: RCW 75.08.080, 79-07-046 (Order 79-43), § 220-40-025, filed 6/22/79; Order 77-44, § 220-40-025, filed 6/3/77; Order 76-73, § 220-40-025, filed 8/16/76; Order 1221, § 220-40-025, filed 7/1/75; Order 1133, § 220-40-025, filed 7/19/74.] Repealed by 88-19-098 (Order 88-116), filed 9/20/88. Statutory Authority: RCW 75.08.080.
220-40-026	Salmon—Willapa Bay late summer fishery. [Statutory Authority: RCW 75.08.080, 89-16-056 (Order 89-71), § 220-40-026, filed 7/28/89, effective 8/28/89.]

Repealed by 90-18-023 (Order 90-77), filed 8/24/90, effective 9/24/90. Statutory Authority: RCW 75.08.080.

220-40-040 Willapa Harbor—Emergencies. [Order 525, filed 5/3/61; Orders 507 and 256, filed 3/1/60.] Repealed by deletion by Order 726, filed 4/24/67.

**WAC 220-40-015 Willapa Bay—Gill net gear specifications.** It is unlawful to fish for food fish in Willapa Bay for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(1) The gill net does not exceed 1,500 feet in length along the cork line; and

(2) Except as otherwise provided in this chapter, the mesh size of the gill net is not less than 5 inches or greater than 6-1/2 inches stretch measure.

[Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-40-015, filed 7/28/89, effective 8/28/89.]

**WAC 220-40-020 Willapa Bay salmon—Seasons and lawful gear—Salmon.** It shall be unlawful to take, fish for or possess salmon taken for commercial purposes in Willapa Bay fishing areas except for salmon taken with gill net gear as provided for in this chapter.

[Statutory Authority: RCW 75.08.080. 89-16-056 (Order 89-71), § 220-40-020, filed 7/28/89, effective 8/28/89; 86-15-016 (Order 86-55), § 220-40-020, filed 7/10/86; Order 1221, § 220-40-020, filed 7/1/75; Order 1116, § 220-40-020, filed 4/30/74; Order 1049, § 220-40-020, filed 4/11/73; Order 995, § 220-40-020, filed 6/8/72; Order 925, § 220-40-020, filed 6/3/71; Order 864, § 220-40-020, filed 5/12/70; Order 813, § 220-40-020, filed 5/5/69; Order 772-B, filed 4/15/68; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 5 from Orders 341 and 256, filed 3/1/60; subsection 2 from Order 677, filed 3/31/66; Order 569, filed 4/11/63; subsection 6 from Order 679, filed 4/20/66; Orders 341 and 256, filed 3/1/60; subsections 3 and 4 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60.]

**WAC 220-40-021 Willapa Bay salmon—Summer fishery.** July 5 through August 15 it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

[Statutory Authority: RCW 77.12.047. 01-13-055 (Order 01-104), § 220-40-021, filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-40-021, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-40-021, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-021, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-021, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-40-021, filed 6/3/94, effective 7/4/94; 90-18-023 (Order 90-77), § 220-40-021, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-021, filed 7/28/89, effective 8/28/89; 88-19-098 (Order 88-116), § 220-40-021, filed 9/20/88; 87-21-041 (Order 87-161), § 220-40-021, filed 10/14/87; 86-15-016 (Order 86-55), § 220-40-021, filed 7/10/86; 85-13-073 (Order 85-64), § 220-40-021, filed 6/19/85; 84-15-008 (Order 84-66), § 220-40-021, filed 7/6/84; 83-13-054 (Order 83-53), § 220-40-021, filed 6/15/83; 82-13-048 (Order 82-63), § 220-40-021, filed 6/11/82; 81-13-005 (Order 81-37), § 220-40-021, filed 6/8/81; 80-09-072 (Order 80-69), § 220-40-021, filed 7/18/80; 79-07-046 (Order 79-43), § 220-40-021, filed 6/22/79; 78-09-041 (Order 78-61), § 220-40-021, filed 8/18/78; Order 77-71, § 220-40-021, filed 8/18/77; Order 77-44, § 220-40-021, filed 6/3/77; Order 76-73, § 220-40-021, filed 8/16/76; Order 1221, § 220-40-021, filed 7/1/75; Order 1133, § 220-40-021, filed 7/19/74.]

**WAC 220-40-027 Salmon—Willapa Bay fall fishery.** August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

[Title 220 WAC—p. 62]

## Fishing periods

(1) Gill net gear may be used to fish for salmon:

### Time

6:00 p.m. September 18 through 6:00 p.m. September 23, 2005

6:00 p.m. September 21 through 6:00 p.m. September 22 and 6:00 p.m. September 28 through 6:00 p.m. September 29, 2005

6:00 p.m. September 24 through 6:00 p.m. October 3, 2005

6:00 p.m. October 9 through 6:00 p.m. October 11, 2005

6:00 p.m. October 17 through 6:00 p.m. October 20, and 6:00 p.m. October 24 through 6:00 p.m. October 27, 2005

Noon, November 6 through noon November 30, 2005

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this

### Area

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H west of Willapa Channel Marker 40, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

Area 2K

Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.

Areas 2G east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach, 2H, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, 2M, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)

Areas 2G, 2H, 2J and 2M

section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

#### **Gear**

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) September 1 through October 3, 2005 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(c) October 4 through October 31, 2005 - 6-1/2 inch maximum mesh.

(d) November 1 through November 30, 2005 - 9-inch minimum mesh.

#### **Other**

(4) Quick reporting required for wholesale dealers and fishers retailing their catch under a "direct retail endorsement." WAC 220-69-240.

[Statutory Authority: RCW 77.12.047, 05-17-006 (Order 05-167), § 220-40-027, filed 8/3/05, effective 9/3/05; 04-16-013 (Order 04-183), § 220-40-027, filed 7/22/04, effective 8/22/04; 03-18-004 (Order 03-208), § 220-40-027, filed 8/20/03, effective 9/20/03; 02-16-021 (Order 02-173), § 220-40-027, filed 7/26/02, effective 8/26/02; 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080, 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-027, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

**WAC 220-40-030 Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon.** (1) It is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60C to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes of less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It is lawful to fish for and possess bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gear.

(3)(a) June 1 through October 31 - It is lawful to fish for and possess anchovy, candlefish, or pilchards taken for commercial purposes with purse seine or lampara in the waters of Willapa Bay, provided it is unlawful to use gear exceeding 1,400 feet in length or containing meshes less than one-half inch stretch measure. It is lawful to fish for and possess her-

ring taken for commercial purposes with lampara gear from the waters of Willapa Bay, except it is unlawful to use lampara gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 - Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It is lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It is lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K, and 2M, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(5) It is lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Bay except it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It is lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

(7) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

[Statutory Authority: RCW 77.12.047, 03-05-062 (Order 03-26), § 220-40-030, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080, 95-23-020 (Order 95-166), § 220-40-030, filed 11/8/95, effective 12/9/95; 91-08-054 (Order 91-13), § 220-40-030, filed 4/2/91, effective 5/3/91; 85-06-033 (Order 85-14), § 220-40-030, filed 3/1/85; 84-15-008 (Order 84-66), § 220-40-030, filed 7/6/84; 84-08-014 (Order 84-24), § 220-40-030, filed 3/27/84; 80-09-072 (Order 80-69), § 220-40-030, filed 7/18/80; 79-05-007 (Order 79-20), § 220-40-030, filed 4/11/79; Order 77-14, § 220-40-030, filed 4/15/77; Order 76-148, § 220-40-030, filed 12/2/76; Order 76-26, § 220-40-030, filed 1:45 p.m., 4/20/76; Order 925, § 220-40-030, filed 6/3/71; Order 864, § 220-40-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1, 2, 3 from Order 679, filed 4/20/66; Order 638, filed 4/28/65; Order 605, filed 4/21/64; Order 569, filed 4/11/63; Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Orders 483 and 256, filed 2/1/60; subsection 4 from Order 544, filed 4/3/62; Order 525, filed 5/3/61; Orders 448 and 256, filed 3/1/60; subsection 5 from Order 544, filed 4/3/62; Orders 448 and 256, filed 3/1/60; subsections 6, 8, 9 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60; subsection 7 from Orders 346 and 256, filed 3/1/60.]

**WAC 220-40-031 Willapa Bay—Seasons and lawful gear—Sturgeon.** It is unlawful to fish for or possess sturgeon taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Area 60C except at those times, with the gear, and subject to the provisions of this section:

(1) It is unlawful to take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

(2) It is unlawful to retain sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

(3) It is lawful to retain for commercial purposes sturgeon taken incidental to any lawful commercial salmon fishery in any Willapa Bay Salmon Management and Catch Reporting Area except it is unlawful to retain white sturgeon taken prior to August 1st.

[Statutory Authority: RCW 75.08.080, 91-08-054 (Order 91-13), § 220-40-031, filed 4/2/91, effective 5/3/91; 90-18-023 (Order 90-77), § 220-40-031, filed 8/24/90, effective 9/24/90; 85-06-033 (Order 85-14), § 220-40-031, filed 3/1/85.]

## Chapter 220-44 WAC

### COASTAL WATERS—MARINE FISH

#### WAC

220-44-020	Coastal baitfish gear.
220-44-030	Coastal bottomfish gear.
220-44-035	Highly migratory species fisheries—Possession and landing requirements—Gear restriction.
220-44-040	Coastal bottomfishing seasons.
220-44-050	Coastal bottomfish catch limits.
220-44-080	Otter trawl logbook required.
220-44-090	Far offshore fishery.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-44-010	Coastal waters—Areas. [Order 726, § 4 (part), filed 4/24/67; subsections 1 and 3 from Orders 355 and 256, filed 3/1/60; subsection 2 from Order 605, filed 4/21/64; Orders 355 and 256, filed 3/1/60.] Repealed by Order 76-35, filed 5/11/76.
220-44-025	Coastal waters—Special closures. [Order 813, § 220-44-025, filed 5/5/69.] Repealed by Order 1116, filed 4/30/74.
220-44-027	Coastal waters—Quillayute River—Indian fishery. [Order 1049, § 220-44-027, filed 4/11/73; Order 995, § 220-44-027, filed 6/8/72; Order 925, § 220-44-027, filed 6/3/71; Order 866, § 220-44-027, filed 6/12/70.] Repealed by Order 77-14, filed 4/15/77.
220-44-029	Coastal waters—Hoh River—Indian fishery. [Order 1049, § 220-44-029, filed 4/11/73; Order 925, § 220-44-029, filed 6/3/71; Order 866, § 220-44-029, filed 6/12/70.] Repealed by Order 77-14, filed 4/15/77.
220-44-060	Commercial jig logbook required. [Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-44-060, filed 3/27/84.] Repealed by 87-04-033 (Order 87-03), filed 1/22/87. Statutory Authority: RCW 75.08.080.
220-44-070	Bottomfish troll logbook required. [Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-44-070, filed 3/27/84.] Repealed by 87-04-033 (Order 87-03), filed 1/22/87. Statutory Authority: RCW 75.08.080.

**WAC 220-44-020 Coastal baitfish gear.** It is unlawful to fish for or possess smelt, anchovies, candlefish, herring or pilchard taken for commercial purposes from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, or 60A, except as provided for in this section.

(1)(a) It is unlawful to fish for or possess smelt taken for commercial purposes except by hand net gear not exceeding 72 inches maximum frame width. It is unlawful to take smelt for commercial purposes during weekly closed periods from 8:00 a.m. Friday to 8:00 a.m. Sunday.

(b) Licensing: A smelt dip bag net fishery license is the license required to operate the gear provided for in this section.

(c) Incidental catch: It is lawful to retain only anchovies and candlefish taken incidental to a lawful smelt fishery.

(2)(a) It is unlawful to fish for or possess candlefish or anchovies taken for commercial purposes with any gear except purse seine or lampara not exceeding 1,400 feet in length nor having mesh size less than 1/2 inch, or dip bag net not exceeding 72 inches maximum frame width.

(b) Licensing:

(i) A baitfish lampara fishery license is the license required to operate the lampara gear provided for in this section.

(ii) A baitfish purse seine fishery license is the license required to operate the purse seine gear provided for in this section.

(iii) A smelt dip bag net fishery license is the license required to operate the hand dip net gear provided for in this section.

(c) Incidental catch: It is lawful to retain only shad and pilchard taken incidental to a lawful anchovy or candlefish fishery. Pilchard may not exceed twenty-five percent of the weight of the landing. Any sturgeon must be released unharmed.

(3)(a) It is unlawful to fish for or possess herring or pilchard taken for commercial purposes except as authorized by permit issued by the director, except pilchard taken incidental to candlefish and anchovy.

(b) Licensing:

(i) An emerging commercial fishery license is the license for a permittee to fish for or retain pilchard.

(ii) Herring dip bag net, herring drag seine, herring gill net, herring lampara or herring purse seine are the licenses for a permittee to fish for or retain herring.

[Statutory Authority: RCW 77.12.047, 01-07-016 (Order 01-36), § 220-44-020, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-44-020, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-44-020, filed 3/27/84; 79-06-085 (Order 79-38), § 220-44-020, filed 6/4/79; 78-10-046 (Order 78-83), § 220-44-020, filed 9/20/78; 78-05-067 and 78-06-002 (Order 78-20), § 220-44-020, filed 4/27/78 and 5/4/78; 78-04-039 (Order 78-11), § 220-44-020, filed 3/20/78; Order 77-14, § 220-44-020, filed 4/15/77; Order 1221, § 220-44-020, filed 7/1/75; Order 813, § 220-44-020, filed 5/5/69; Order 726, § 4 (part), filed 4/24/67; subsection 1 from Order 547, filed 7/5/62; Orders 384 and 256, filed 3/1/60; subsection 2 from Orders 448 and 256, filed 3/1/60; subsection 3 from Orders 397 and 256, filed 3/1/60; subsections 4 and 5 from Orders 355 and 256, filed 3/1/60; subsection 6 from Orders 406 and 256, filed 3/1/60.]

**WAC 220-44-030 Coastal bottomfish gear.** It is unlawful to take, fish for, possess, transport through the waters of the state or land in any Washington state ports, bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 59A, 59B, 60A-1 and 60A-2 and that portion of Area 58 within the United States 200-mile Fishery Conservation Zone with any gear except as provided in this section:

(1) Otter trawl and beam trawl.

(a) It is unlawful to use, operate or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches anywhere in the net.

(b) It is unlawful to use or operate any bottom roller or bobbin trawl having meshes less than 4.5 inches anywhere in the net. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.



(c) It is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches anywhere in the net. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweeplines, including the bottom leg of the bridle, must be bare.

(d) For at least 20 feet immediately behind the footrope or headrope, bare rope or mesh of 16-inch minimum mesh size must completely encircle the net. A band of mesh may encircle the net under transfer cables, lifting or splitting straps (chokers), but must be: Over riblines and restraining straps; the same mesh size and coincide knot-to-knot with the net to which it is attached; and no wider than 16 meshes.

(e) Chafing gear may encircle no more than 50 percent of the circumference of any bottom, roller, bobbin or pelagic trawl except as specified in (d) of this subsection. No section of chafing gear may be longer than 50 meshes of the net to which it is attached. Except at the corners, the terminal end of each section of chafing gear must not be connected to the net. Chafing gear must be attached outside any riblines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

(f) It is unlawful to use double wall codends in any trawl gear.

(g) Licensing: A food fish trawl—non-Puget Sound fishery license is the license required to operate the gear provided for in this section. Additionally a federal limited entry permit is required in Areas 59A, 59B, 60A-1 and 60A-2 and that portion of Area 58 within the Exclusive Economic Zone.

(h) Area restriction: It is unlawful to use otter trawl or beam trawl gear in state territorial waters (0-3 miles) within Areas 58A, 58B, 59A, 59B, 60A-1 or 60A-2.

## (2) Set lines.

(a) It is unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Set lines must be attended at least once every seven days. Set lines must be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy displaying clear identification of the owner or operator.

(b) Licensing: A food fish set line fishery license is the license required to operate the gear provided for in this section.

(c) Area restriction: It is unlawful to use set line gear in state territorial waters (0-3 miles) within Areas 59A, 59B, 60A-1 and 60A-2 and that portion of Area 58 within the Exclusive Economic Zone.

## (3) Bottomfish pots.

(a) It is unlawful for the operator of bottomfish pots to leave such gear unattended unless marked as provided in WAC 220-20-010(5). Bottomfish pots must be attended at least once every seven days. Bottomfish pots set individually must be marked at the surface with a pole and a flag, light, or radar reflector, and a buoy displaying clear identification of the owner. Bottomfish pots laid on a groundline must be marked at the surface at each terminal end of the groundline with a pole and a flag, light, and radar reflector, and a buoy displaying clear identification of the owner or operator.

(b) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

(c) Area restriction: It is unlawful to use bottomfish pots in state territorial waters (0-3 miles) within the catch areas provided for in this section.

(4) Commercial jig gear.

(a) Licensing: A bottomfish jig fishery license is the license required to operate the gear provided for in this section.

(b) Area restriction: It is unlawful to use commercial jig gear in state territorial waters (0-3 miles) within the catch areas provided for in this section.

(5) Troll lines.

(a) Licensing: A bottomfish troll fishery license is the license required to operate the gear provided for in this section.

(b) Area restriction: It is unlawful to use bottomfish troll gear in state territorial waters (0-3 miles) within the catch areas provided for in this section.

(6) Incidental catch.

(a) It is lawful to retain bottomfish taken incidental to any lawful salmon fishery, up to a daily limit of 100 pounds or 30% of all fish on board, whichever is greater. No more than one trip per day provided the bottomfish could be lawfully taken.

(b) It is unlawful to take salmon incidental to any lawful bottomfish fishery.

(c) It is lawful to retain sturgeon taken incidental to any lawful bottomfish fishery, provided the sturgeon could be lawfully taken.

(d) It is unlawful to retain any species of shellfish taken incidental to any lawful bottomfish fishery, except that it is lawful to retain octopus and squid.

[Statutory Authority: RCW 77.12.047, 01-02-060 (Order 00-266), § 220-44-030, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-44-030, filed 2/11/98, effective 3/14/98; 96-11-055 (Order 96-43), § 220-44-030, filed 5/9/96, effective 6/9/96; 94-12-009 (Order 94-23), § 220-44-030, filed 5/19/94, effective 6/19/94; 92-07-008 (Order 92-07), § 220-44-030, filed 3/6/92, effective 4/16/92; 88-22-033 (Order 88-157), § 220-44-030, filed 10/27/88; Statutory Authority: RCW 75.08.080, 88-22-033 (Order 88-157), § 220-44-030, filed 10/27/88; 84-08-014 (Order 84-24), § 220-44-030, filed 3/27/84; 82-14-056 (Order 82-72), § 220-44-030, filed 7/1/82; 82-03-045 (Order 82-6), § 220-44-030, filed 1/19/82; 81-02-053 (Order 81-3), § 220-44-030, filed 1/7/81; 79-03-014 (Order 79-11), § 220-44-030, filed 2/15/79; 78-04-039 (Order 78-11), § 220-44-030, filed 3/20/78.]

**WAC 220-44-035 Highly migratory species fisheries—Possession and landing requirements—Gear restriction.** It is unlawful to possess, transport through the waters of the state, or land into any Washington port highly migratory species taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in violation of any permit or data collection requirements, established by the Pacific Fishery Management Council and published in the *Federal Register*, Volume 70, No. 27, published February 10, 2005. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at 360-902-2930. Except as authorized under the federal rules referenced in this section, it is unlawful to use drift gill net gear in state

and offshore waters west of the Bonilla-Tatoosh line, north of the Washington-Oregon boundary, and south of the United States-Canada boundary.

[Statutory Authority: RCW 77.12.047, 05-17-003 (Order 05-165), § 220-44-035, filed 8/3/05, effective 9/3/05; 02-02-051 (Order 01-288), § 220-44-035, filed 12/27/01, effective 1/27/02.]

**WAC 220-44-040 Coastal bottomfishing seasons.** It is lawful to take, fish for, and possess for commercial purposes bottomfish in coastal waters taken with gear described in WAC 220-44-030 all year in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, and 60A, unless otherwise provided.

[Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-44-040, filed 3/27/84; 83-10-016 (Order 83-31), § 220-44-040, filed 4/26/83; 82-14-056 (Order 82-72), § 220-44-040, filed 7/1/82; 81-02-053 (Order 81-3), § 220-44-040, filed 1/7/81; 79-03-014 (Order 79-11), § 220-44-040, filed 2/15/79; 78-04-039 (Order 78-11), § 220-44-040, filed 3/20/78.]

**WAC 220-44-050 Coastal bottomfish catch limits. (1)** It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear handling or landing requirement, established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume 66, No. 8, published January 11, 2001, except thresher shark are further restricted as provided for in this section. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at 360-902-2930.

(a) It is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) It is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed ten thousand pounds.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participat-

ing vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

(5) It is unlawful to land thresher shark taken by any means from state and offshore waters of the Pacific Ocean north of the Washington-Oregon boundary and south of the United States-Canada boundary, and it is unlawful to land thresher shark taken south of the Washington-Oregon boundary unless each thresher shark landed is accompanied by a minimum of two swordfish.

[Statutory Authority: RCW 77.12.047, 03-05-078 (Order 03-31), § 220-44-050, filed 2/18/03, effective 3/21/03; 02-02-051 (Order 01-288), § 220-44-050, filed 12/27/01, effective 1/27/02; 01-13-002 (Order 01-103), § 220-44-050, filed 6/6/01, effective 7/7/01. Statutory Authority: 2000 c 107 § 7, 00-16-033 (Order 00-124), § 220-44-050, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 75.08.080, 98-15-033 (Order 98-121), § 220-44-050, filed 7/7/98, effective 8/7/98; 98-05-043, § 220-44-050, filed 2/11/98, effective 3/14/98; 96-11-055 (Order 96-43), § 220-44-050, filed 5/9/96, effective 6/9/96; 95-08-069 (Order 95-29), § 220-44-050, filed 4/4/95, effective 5/5/95; 94-13-077 (Order 94-51), § 220-44-050, filed 6/10/94, effective 7/11/94; 93-07-093 (Order 93-16), § 220-44-050, filed 3/22/93, effective 4/22/93; 92-07-008 (Order 92-07), § 220-44-050, filed 3/6/92, effective 4/16/92; 91-07-050 (Order 91-12), § 220-44-050, filed 3/18/91, effective 4/18/91; 90-13-108 (Order 90-26), § 220-44-050, filed 6/21/90, effective 7/22/90. Statutory Authority: RCW 75.08.070 and 75.08.080, 89-14-069 (Order 89-54), § 220-44-050, filed 6/30/89; 89-06-030 (Order 89-07), § 220-44-050, filed 2/24/89; 88-14-020 (Order 88-42), § 220-44-050, filed 6/28/88. Statutory Authority: RCW 75.08.080, 87-07-042 (Order 87-17), § 220-44-050, filed 3/16/87; 86-12-027 (Order 86-39), § 220-44-050, filed 5/28/86. Statutory Authority: RCW 75.08.070 and 75.08.080, 85-07-022 (Order 85-17), § 220-44-050, filed 3/13/85. Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-44-050, filed 3/27/84; 83-17-030 (Order 83-88), § 220-44-050, filed 8/10/83; 83-10-016 (Order 83-31), § 220-44-050, filed 4/26/83.]

**WAC 220-44-080 Otter trawl logbook required.** It shall be unlawful for any operator of otter trawl gear to fail to possess and maintain a "Washington-Oregon-California

Trawl Logbook" while fishing in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62 and 63. The logbook must be kept aboard the vessel while it is fishing in the above areas, or while having fish aboard that were caught in the above areas. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department representatives. For each vessel trip, the operator shall record the vessel name and registration number, crew size, departure and return date and time, and buyers of fish landed. For each trawl tow conducted the vessel operator shall record the month and day, time gear was set and retrieved, latitude and longitude fished, depth fished, net type, target species, and estimated weight of species of fish retained. Species or species groups with trip or cumulative limits must be identified separately and cannot be recorded in combination with other species. The department's copies of completed log sheets must be submitted to the department for each month in which fishing activity occurs. The department's copies must be received within ten days following any calendar month in which fishing activity occurred, or within ten days following the termination of commercial fishing activity, whichever occurs first.

[Statutory Authority: 2000 c 107 § 7.00-16-033 (Order 00-124), § 220-44-080, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 75.08.080. 98-05-043, § 220-44-080, filed 2/11/98, effective 3/14/98; 85-08-023 (Order 85-24), § 220-44-080, filed 4/1/85.]

**WAC 220-44-090 Far offshore fishery.** It is unlawful for any fisher to transport through the waters of the state, or land in any Washington state port, bottomfish taken without the exclusive economic zone (more than 200 miles offshore) except as provided for in this section:

(1) Any fisher may transport bottomfish through the waters of the state or land bottomfish taken without the exclusive economic zone provided:

(a) The fisher has, at least 48 hours prior to participating in the far offshore fishery, notified the department by either writing to the Marine Fish-Shellfish Division, Washington State Fisheries, 48A Devonshire Road, Montesano, WA 98563 or telephoning the department during regular business hours Monday through Friday to (360) 586-6129. The fisher must provide the following information: Vessel name and official number; anticipated fishing dates; anticipated port of landing; and

(b) The fisher has made the vessel available for a hold inspection, if required to do so by the department, prior to departure to participate in the far offshore fishery; and

(c) The fisher has notified the department at least 24 hours prior to landing bottomfish at any Washington state port. The fisher must provide the following information: Port of landing; estimated date and time of landing; estimated species composition and weight of fish aboard.

(2) It is unlawful for any fisher to fish within or land fish taken from within the exclusive economic zone during any trip for which a declaration to participate in the far offshore fishery has been made.

(3) Fishers participating in the far offshore fishery are required to be properly licensed in order to land bottomfish into a Washington state port.

(2007 Ed.)

(4) This section does not apply to bottomfish which have been previously landed in another state, territory or country, does not apply to delivery by vessels other than the catcher vessel and does not apply to bottomfish taken in Canadian territorial waters.

[Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-44-090, filed 5/19/94, effective 6/19/94.]

## Chapter 220-47 WAC PUGET SOUND—SALMON

### WAC

220-47-001	Puget Sound salmon—Quick reporting.
220-47-121	Treaty Indian gear identification.
220-47-252	Puget Sound—Salmon preserve—Drayton Harbor.
220-47-262	Puget Sound—Salmon preserve—San Juan Island.
220-47-266	Puget Sound—Salmon preserve—Strait of Juan de Fuca.
220-47-269	Puget Sound—Area 7A salmon fishery separation lines.
220-47-301	Puget Sound—Lawful gear—Purse seine.
220-47-302	Puget Sound—Lawful gear—Gill net.
220-47-303	Puget Sound—Lawful gear—Reef nets.
220-47-307	Closed areas—Puget Sound salmon.
220-47-310	Puget Sound net seasons—Time.
220-47-311	Purse seine—Open periods.
220-47-319	Special purse seine mesh size.
220-47-325	Purse seine—Release of incidentally caught fish.
220-47-401	Reef net open periods.
220-47-410	Gill net—Daily hours.
220-47-411	Gill net—Open periods.
220-47-427	Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.
220-47-428	Beach seine—Open periods.
220-47-500	Limited participation salmon net fisheries.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-47-010	Puget Sound—Salmon fishing areas. [Order 920, § 220-47-010, filed 5/13/71; Order 771-B, § 220-47-010, filed 3/29/68.] Repealed by Order 988, filed 4/28/72.
220-47-020	Puget Sound—Salmon preserves. [Order 920, § 220-47-020, filed 5/13/71; Order 771-B, § 220-47-020, filed 3/29/68.] Repealed by Order 988, filed 4/28/72.
220-47-030	Puget Sound—Salmon—Lawful gear. [Order 771-B, § 220-47-030, filed 3/29/68.] Repealed by Order 988, filed 4/28/72.
220-47-040	Puget Sound—Salmon—Purse seine. [Order 920, § 220-47-040, filed 5/13/71; Order 862, § 220-47-040, filed 4/16/70; Order 810, § 220-47-040, filed 4/17/69; Order 771-B, § 220-47-040, filed 3/29/68.] Repealed by Order 988, filed 4/28/72.
220-47-050	Puget Sound—Salmon—Reef net. [Order 920, § 220-47-050, filed 5/13/71; Order 862, § 220-47-050, filed 4/16/70; Order 810, § 220-47-050, filed 4/17/69; Order 771-B, § 220-47-050, filed 3/29/68.] Repealed by Order 988, filed 4/28/72.
220-47-060	Puget Sound—Salmon—Gill net. [Order 920, § 220-47-060, filed 5/13/71; Order 862, § 220-47-060, filed 4/16/70; Order 810, § 220-47-060, filed 4/17/69; Order 771-B, § 220-47-060, filed 3/29/68.] Repealed by Order 988, filed 4/28/72.
220-47-070	Puget Sound—Troll line seasons—Closed periods. [Order 866, § 220-47-070, filed 6/12/70; Order 810, § 220-47-070, filed 4/17/69; Order 771-B, § 220-47-070, filed 3/29/68.] Repealed by Order 988, filed 4/28/72.
220-47-100	Puget Sound—Off reservation Indian fishery—Squaxin. [Order 1057, § 220-47-100, filed 5/22/73; Order 988, § 220-47-100, filed 4/28/72; Order 920, § 220-47-100, filed 5/13/71; Order 866, § 220-47-100, filed 6/12/70; Order 810, § 220-47-100, filed 4/17/69.] Repealed by Order 77-14, filed 4/15/77.
220-47-105	Puget Sound—Off reservation Indian fishery—Makah. [Order 1057, § 220-47-105, filed 5/22/73; Order 988, § 220-47-105, filed 4/28/72; Order 920, § 220-47-105, filed 5/13/71; Order 866, § 220-47-105, filed 6/12/70.] Repealed by Order 77-14, filed 4/15/77.
220-47-110	Puget Sound—Nisqually River—Indian fishery. [Order 1057, § 220-47-110, filed 5/22/73; Order 1013, § 220-

	47-110, filed 8/17/72; Order 920, § 220-47-110, filed 5/13/71; Order 866, § 220-47-110, filed 6/12/70.] Repealed by Order 77-14, filed 4/15/77.	220-47-261	Puget Sound—Salmon preserve—Samish Bay. [Order 988, § 220-47-261, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.
220-47-115	Puget Sound—Puyallup River—Indian fishery. [Order 1057, § 220-47-115, filed 5/22/73; Order 1013, § 220-47-115, filed 8/17/72; Order 920, § 220-47-115, filed 5/13/71; Order 875, § 220-47-115, filed 8/13/70.] Repealed by Order 77-14, filed 4/15/77.	220-47-263	Puget Sound—Salmon preserve—Skagit Bay. [Order 988, § 220-47-263, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.
220-47-120	Puget Sound—Tulalip—Indian fishery. [Order 1057, § 220-47-120, filed 5/22/73; Order 988, § 220-47-120, filed 4/28/72.] Repealed by Order 77-14, filed 4/15/77.	220-47-264	Puget Sound—Salmon preserve—Port Gardner. [Statutory Authority: RCW 75.08.080. 81-18-017 (Order 81-101), § 220-47-264, filed 8/25/81; Order 988, § 220-47-264, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.
220-47-201	Puget Sound—Salmon fishing—Area 1. [Order 988, § 220-47-201, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.	220-47-265	Puget Sound—Salmon preserve—Port Susan. [Order 988, § 220-47-265, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.
220-47-202	Puget Sound—Salmon fishing—Area 2. [Order 988, § 220-47-202, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.	220-47-267	Puget Sound—Salmon preserve—Washington Harbor. [Order 988, § 220-47-267, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.
220-47-203	Puget Sound—Salmon fishing—Area 3. [Order 1210, § 220-47-203, filed 5/26/75; Order 988, § 220-47-203, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.	220-47-268	Puget Sound—Salmon preserve—Gig Harbor. [Order 988, § 220-47-268, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.
220-47-204	Puget Sound—Salmon fishing—Area 4. [Order 988, § 220-47-204, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.	220-47-304	Puget Sound—All citizen salmon species seasons and gill net mesh sizes. [Statutory Authority: RCW 77.12.047. 00-18-023 (Order 00-172), § 220-47-304, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-304, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-304, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-304, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-304, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-304, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-304, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-304, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-304, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-304, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-304, filed 6/11/90, effective 7/12/90; Order 988, § 220-47-304, filed 4/28/72.] Repealed by 01-13-056 (Order 01-106), filed 6/15/01, effective 7/16/01. Statutory Authority: RCW 77.12.047.
220-47-205	Puget Sound—Salmon fishing—Area 4-A. [Order 988, § 220-47-205, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.	220-47-312	Purse seine—Open periods. [Statutory Authority: RCW 75.08.080. 89-13-004 (Order 89-44), § 220-47-312, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-312, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-312, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-312, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-312, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-312, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-312, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-312, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-312, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-312, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-312, filed 4/13/78; Order 77-66, § 220-47-312, filed 8/5/77; Order 77-14, § 220-47-312, filed 4/15/77; Order 76-41, § 220-47-312, filed 6/4/76; Order 1251, § 220-47-312, filed 8/18/75; Order 1210, § 220-47-312, filed 5/26/75; Order 1143, § 220-47-312, filed 8/8/74; Order 1125, § 220-47-312, filed 6/6/74; Order 1066, § 220-47-312, filed 7/19/73; Order 1057, § 220-47-312, filed 5/22/73; Order 988, § 220-47-312, filed 4/28/72.] Repealed by 90-13-025 (Order 90-49), filed 6/11/90, effective 7/12/90. Statutory Authority: RCW 75.08.080.
220-47-206	Puget Sound—Salmon fishing—Area 5. [Order 1066, § 220-47-206, filed 7/19/73; Order 988, § 220-47-206, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.	220-47-313	Purse seine—Daily hours. [Statutory Authority: RCW 75.08.080. 89-13-004 (Order 89-44), § 220-47-313, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-313, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-313, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-313, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-313, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-313, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-313, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-313, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-313, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-313, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-313, filed 4/13/78; Order 77-66, § 220-47-313, filed 8/5/77; Order 77-14, § 220-47-313, filed 4/15/77; Order 76-41, § 220-47-313, filed 6/4/76; Order 1251, § 220-47-313, filed 8/18/75; Order 1210, § 220-47-313, filed 5/26/75; Order 1143, § 220-47-313, filed 8/8/74; Order 1125, § 220-47-313, filed 6/6/74; Order 1066, § 220-47-313, filed 7/19/73; Order 1057, § 220-47-313, filed 5/22/73; Order 988, § 220-47-313, filed 4/28/72.] Repealed by 90-13-025 (Order 90-49), filed 6/11/90, effective 7/12/90. Statutory Authority: RCW 75.08.080.
220-47-207	Puget Sound—Salmon fishing—Area 6. [Order 988, § 220-47-207, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.		
220-47-208	Puget Sound—Salmon fishing—Area 7. [Order 988, § 220-47-208, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.		
220-47-209	Puget Sound—Salmon fishing—Area 8. [Order 1210, § 220-47-209, filed 5/26/75; Order 988, § 220-47-209, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.		
220-47-210	Puget Sound—Salmon fishing—Area 9. [Order 988, § 220-47-210, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.		
220-47-211	Puget Sound—Salmon fishing—Area 10. [Order 1066, § 220-47-211, filed 7/19/73; Order 988, § 220-47-211, filed 4/28/72.] Repealed by Order 76-35, filed 5/11/76.		
220-47-250	Puget Sound—Salmon preserves. [Order 988, § 220-47-250, filed 4/28/72.] Repealed by 80-10-058 (Order 80-83), filed 8/6/80. Statutory Authority: RCW 75.08.080.		
220-47-251	Puget Sound—Salmon preserve—Discovery Bay. [Order 988, § 220-47-251, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-253	Puget Sound—Salmon preserve—Elliott Bay. [Order 988, § 220-47-253, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-254	Puget Sound—Salmon preserve—Fidalgo Bay. [Order 988, § 220-47-254, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-255	Puget Sound—Salmon preserve—Hood Canal. [Order 988, § 220-47-255, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-256	Puget Sound—Salmon preserve—Kitsap. [Order 988, § 220-47-256, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-257	Puget Sound—Salmon preserve—Ballard. [Order 988, § 220-47-257, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-258	Puget Sound—Salmon preserve—South Puget Sound. [Order 988, § 220-47-258, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-259	Puget Sound—Salmon preserve—Point No Point. [Order 1057, § 220-47-259, filed 5/22/73; Order 988, § 220-47-259, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		
220-47-260	Puget Sound—Salmon preserve—Commencement Bay. [Order 988, § 220-47-260, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.		

- Order 76-41, § 220-47-313, filed 6/4/76; Order 1210, § 220-47-313, filed 5/26/75; Order 1143, § 220-47-313, filed 8/8/74; Order 1125, § 220-47-313, filed 6/6/74; Order 1066, § 220-47-313, filed 7/19/73; Order 1057, § 220-47-313, filed 5/22/73; Order 988, § 220-47-313, filed 4/28/72.] Repealed by 90-13-025 (Order 90-49), filed 6/11/90, effective 7/12/90. Statutory Authority: RCW 75.08.080.
- 220-47-314 Point Roberts. [Statutory Authority: RCW 75.08.080. 80-10-058 (Order 80-83), § 220-47-314, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-314, filed 4/13/78; Order 77-14, § 220-47-314, filed 4/15/77; Order 76-41, § 220-47-314, filed 6/4/76; Order 1210, § 220-47-314, filed 5/26/75; Order 1125, § 220-47-314, filed 6/6/74; Order 1057, § 220-47-314, filed 5/22/73; Order 988, § 220-47-314, filed 4/28/72.] Repealed by 84-13-078 (Order 84-53), filed 6/21/84. Statutory Authority: RCW 75.08.080.
- 220-47-315 Puget Sound—Purse seine—West Beach. [Order 1210, § 220-47-315, filed 5/26/75; Order 1125, § 220-47-315, filed 6/6/74; Order 1057, § 220-47-315, filed 5/22/73; Order 988, § 220-47-315, filed 4/28/72.] Repealed by Order 76-41, filed 6/4/76.
- 220-47-316 Puget Sound—Purse seine—East Pass. [Order 988, § 220-47-316, filed 4/28/72.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-317 Carr Inlet. [Order 77-14, § 220-47-317, filed 4/15/77; Order 1143, § 220-47-317, filed 8/8/74; Order 1125, § 220-47-317, filed 6/6/74; Order 1057, § 220-47-317, filed 5/22/73; Order 1000, § 220-47-317, filed 6/28/72; Order 988, § 220-47-317, filed 4/28/72.] Repealed by 80-10-058 (Order 80-83), filed 8/6/80. Statutory Authority: RCW 75.08.080.
- 220-47-318 Puget Sound—Discovery Bay. [Order 988, § 220-47-318, filed 4/28/72.] Repealed by Order 1057, filed 5/22/73.
- 220-47-320 Puget Sound—Purse seine—Lipilip Point—Point Wells. [Order 1057, § 220-47-320, filed 5/22/73; Order 988, § 220-47-320, filed 4/28/72.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-321 Puget Sound—Purse seine—Port Susan. [Order 1066, § 220-47-321, filed 7/19/73.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-322 Puget Sound—Purse seine—Samish Bay. [Order 1251, § 220-47-322, filed 8/18/75; Order 1066, § 220-47-322, filed 7/19/73.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-323 Puget Sound—Purse seine—Point No Point. [Order 1066, § 220-47-323, filed 7/19/73.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-324 Cherry Point. [Statutory Authority: RCW 75.08.080. 78-05-018 (Order 78-16), § 220-47-324, filed 4/13/78; Order 77-14, § 220-47-324, filed 4/15/77.] Repealed by 80-10-058 (Order 80-83), filed 8/6/80. Statutory Authority: RCW 75.08.080.
- 220-47-326 Puget Sound commercial salmon—Assessment of impacts on released fish. [Statutory Authority: RCW 75.08.080. 97-16-032 (Order 97-132), § 220-47-326, filed 7/29/97, effective 8/29/97.] Repealed by 98-15-081 (Order 98-122), filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 77.12.040.
- 220-47-402 Reef net—Weekly periods. [Statutory Authority: RCW 75.08.080. 87-15-059 (Order 87-72), § 220-47-402, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-402, filed 6/12/86; 81-18-017 (Order 81-101), § 220-47-402, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-402, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-402, filed 4/13/78; Order 77-66, § 220-47-402, filed 8/5/77; Order 77-14, § 220-47-402, filed 4/15/77; Order 76-41, § 220-47-402, filed 6/4/76; Order 1210, § 220-47-402, filed 5/26/75; Order 1143, § 220-47-402, filed 8/8/74; Order 1125, § 220-47-402, filed 6/6/74; Order 1066, § 220-47-402, filed 7/19/73; Order 1057, § 220-47-402, filed 5/22/73; Order 988, § 220-47-402, filed 4/28/72.] Repealed by 90-13-025 (Order 90-49), filed 6/11/90, effective 7/12/90. Statutory Authority: RCW 75.08.080.
- 220-47-403 Reef net—Daily hours. [Statutory Authority: RCW 75.08.080. 87-15-059 (Order 87-72), § 220-47-403, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-403, filed 6/12/86; 81-18-017 (Order 81-101), § 220-47-403, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-403, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-403, filed 4/13/78; Order 77-66, § 220-47-403, filed 8/5/77; Order 76-41, § 220-47-403, filed 6/4/76; Order 1210, § 220-47-403, filed 5/26/75; Order 1143, § 220-47-403, filed 8/8/74; Order 1125, § 220-47-403, filed 6/6/74; Order 1066, § 220-47-403, filed 7/19/73; Order 1057, § 220-47-403, filed 5/22/73; Order 988, § 220-47-403, filed 4/28/72.] Repealed by 90-13-025 (Order 90-49), filed 6/11/90, effective 7/12/90. Statutory Authority: RCW 75.08.080.
- 220-47-403 Drift gill net and skiff gill net—Mesh sizes. [Statutory Authority: RCW 75.08.080. 95-13-056 (Order 95-75), § 220-47-412, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-412, filed 7/6/94, effective 8/6/94; 92-15-105 (Order 92-47), § 220-47-412, filed 7/20/92, effective 8/20/92; 90-13-025 (Order 90-49), § 220-47-412, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-412, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-412, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-412, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-412, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-412, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-412, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-412, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-412, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-412, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-412, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-412, filed 4/13/78; Order 77-66, § 220-47-412, filed 8/5/77; Order 77-14, § 220-47-412, filed 4/15/77; Order 76-41, § 220-47-412, filed 6/4/76; Order 1251, § 220-47-412, filed 8/18/75; Order 1213, § 220-47-412, filed 6/3/75; Order 1210, § 220-47-412, filed 5/26/75; Order 1143, § 220-47-412, filed 8/8/74; Order 1125, § 220-47-412, filed 6/6/74; Order 1066, § 220-47-412, filed 7/19/73; Order 1057, § 220-47-412, filed 5/22/73; Order 988, § 220-47-412, filed 4/28/72.] Repealed by 99-24-011 (Order 99-202), filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080.
- 220-47-413 Gill net—Daily hours. [Statutory Authority: RCW 75.08.080. 89-13-004 (Order 89-44), § 220-47-413, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-413, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-413, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-413, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-413, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-413, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-413, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-413, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-413, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-413, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-413, filed 4/13/78; Order 77-66, § 220-47-413, filed 8/5/77; Order 76-41, § 220-47-413, filed 6/4/76; Order 1210, § 220-47-413, filed 5/26/75; Order 1143, § 220-47-413, filed 8/8/74; Order 1125, § 220-47-413, filed 6/6/74; Order 1066, § 220-47-413, filed 7/19/73; Order 1057, § 220-47-413, filed 5/22/73; Order 988, § 220-47-413, filed 4/28/72.] Repealed by 90-13-025 (Order 90-49), filed 6/11/90, effective 7/12/90. Statutory Authority: RCW 75.08.080.
- 220-47-414 Gill net—Mesh sizes. [Statutory Authority: RCW 75.08.080. 89-13-004 (Order 89-44), § 220-47-414, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-414, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-414, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-414, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-414, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-414, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-414, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-414, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-414, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-414, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-414, filed 4/13/78; Order 77-66, § 220-47-414, filed 8/5/77; Order 77-14, § 220-47-414, filed 4/15/77; Order 76-41, § 220-47-414, filed 6/4/76; Order 1210, § 220-47-414, filed 5/26/75; Order 1143, § 220-47-414, filed 8/8/74; Order 1125, § 220-47-414, filed 6/6/74; Order 1066, § 220-47-414, filed 7/19/73; Order 1057, § 220-47-414, filed 5/22/73; Order 988, § 220-47-414, filed 4/28/72.] Repealed by 90-13-025 (Order 90-49), filed 6/11/90, effective 7/12/90. Statutory Authority: RCW 75.08.080.
- 220-47-415 Gill net—Point Roberts. [Statutory Authority: RCW 75.08.080. 78-05-018 (Order 78-16), § 220-47-415, filed 4/13/78; Order 77-14, § 220-47-415, filed 4/15/77; Order 76-41, § 220-47-415, filed 6/4/76; Order 1210, § 220-47-415, filed 5/26/75; Order 1125, § 220-47-415,

- filed 6/6/74; Order 1057, § 220-47-415, filed 5/22/73; Order 988, § 220-47-415, filed 4/28/72.] Repealed by 80-10-058 (Order 80-83), filed 8/6/80. Statutory Authority: RCW 75.08.080.
- 220-47-416 Puget Sound—Gill net—West Beach. [Order 1210, § 220-47-416, filed 5/26/75; Order 1125, § 220-47-416, filed 6/6/74; Order 1057, § 200-47-416, filed 5/22/73; Order 988, § 220-47-416, filed 4/28/72.] Repealed by Order 76-41, filed 6/4/76.
- 220-47-417 Puget Sound—Gill net—East Pass. [Order 988, § 220-47-417, filed 4/28/72.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-418 Carr Inlet. [Order 77-14, § 220-47-418, filed 4/15/77; Order 1143, § 220-47-418, filed 8/8/74; Order 1057, § 220-47-418, filed 5/22/73; Order 1000, § 220-47-418, filed 6/28/72; Order 988, § 220-47-418, filed 4/28/72.] Repealed by 80-10-058 (Order 80-83), filed 8/6/80. Statutory Authority: RCW 75.08.080.
- 220-47-419 Puget Sound—Discovery Bay. [Order 988, § 220-47-419, filed 4/28/72.] Repealed by Order 1057, filed 5/22/73.
- 220-47-420 Puget Sound—Gill net—Lilip Point—Point Wells. [Order 1057, § 220-47-420, filed 5/22/73; Order 988, § 220-47-420, filed 4/28/72.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-421 Puget Sound—Admiralty Inlet. [Order 988, § 220-47-421, filed 4/28/72.] Repealed by Order 1066, filed 7/19/73.
- 220-47-422 Puget Sound—Saratoga Passage. [Order 988, § 220-47-422, filed 4/28/72.] Repealed by Order 1057, filed 5/22/73.
- 220-47-423 Puget Sound—Gill net—Samish Bay. [Order 1057, § 220-47-423, filed 5/22/73; Order 988, § 220-47-423, filed 4/28/72.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-424 Puget Sound—Gill net—Point No Point. [Order 1066, § 220-47-424, filed 7/19/73.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-425 Puget Sound—Gill net—Port Susan. [Order 1066, § 220-47-425, filed 7/19/73.] Repealed by Order 77-14, filed 4/15/77.
- 220-47-426 Cherry Point. [Statutory Authority: RCW 75.08.080. 78-05-018 (Order 78-16), § 220-47-426, filed 4/13/78; Order 77-14, § 220-47-426, filed 4/15/77.] Repealed by 80-10-058 (Order 80-83), filed 8/6/80. Statutory Authority: RCW 75.08.080.
- 220-47-430 Puget Sound commercial salmon—Log book required. [Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-430, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-430, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-430, filed 11/19/99, effective 12/20/99.] Repealed by 04-16-125 (Order 04-202), filed 8/4/04, effective 9/4/04. Statutory Authority: RCW 77.12.047.
- 220-47-501 Puget Sound—Troll lines—Seasons. [Order 988, § 220-47-501, filed 4/28/72.] Repealed by Order 1116, filed 4/30/74. Later promulgation, see WAC 220-47-50101.
- 220-47-50101 Puget Sound troll line seasons—Salmon. [Statutory Authority: RCW 75.08.080. 84-13-078 (Order 84-53), § 220-47-50101, filed 6/21/84; Order 76-41, § 220-47-501 (codified as WAC 220-47-50101), filed 6/4/76; Order 1221, § 220-47-501 (codified as WAC 220-47-50101), filed 7/1/75. Formerly WAC 220-47-501.] Repealed by 87-15-059 (Order 87-72), filed 7/14/87. Statutory Authority: RCW 75.08.080.
- 220-47-502 Puget Sound—Weekly periods. [Order 988, § 220-47-502, filed 4/28/72.] Repealed by Order 1116, filed 4/30/74. Later promulgation, see WAC 220-47-50201.
- 220-47-50201 Puget Sound troll line weekly periods. [Statutory Authority: RCW 75.08.080. 84-13-078 (Order 84-53), § 220-47-50201, filed 6/21/84; Order 76-41, § 220-47-502 (codified as WAC 220-47-50201), filed 6/4/76; Order 1221, § 220-47-502 (codified as WAC 220-47-50201), filed 7/1/75. Formerly WAC 220-47-502.] Repealed by 87-15-059 (Order 87-72), filed 7/14/87. Statutory Authority: RCW 75.08.080.
- 220-47-503 Puget Sound troll line closed areas. [Statutory Authority: RCW 75.08.080. 84-13-078 (Order 84-53), § 220-47-503, filed 6/21/84; Order 76-41, § 220-47-503, filed 6/4/76; Order 1221, § 220-47-503, filed 7/1/75; Order 1116, § 220-47-503, filed 4/30/74; Order 988, § 220-47-503, filed 4/28/72.] Repealed by 87-15-059 (Order 87-72), filed 7/14/87. Statutory Authority: RCW 75.08.080.

**WAC 220-47-001 Puget Sound salmon—Quick reporting.** All Puget Sound salmon fisheries are designated as "quick reporting required" fisheries, and commercial purchasers and receivers must comply with the provisions of WAC 220-69-240(10).

[Statutory Authority: RCW 77.12.047. 05-17-002 (Order 05-166), § 220-47-001, filed 8/3/05, effective 9/3/05. Statutory Authority: RCW 75.08.080. 78-05-018 (Order 78-16), § 220-47-001, filed 4/13/78; Order 77-14A, § 202-47-001 (codified as WAC 220-47-001), filed 4/21/77; Order 77-14, § 220-47-001, filed 4/15/77.]

#### **WAC 220-47-121 Treaty Indian gear identification.**

It shall be unlawful for any person exercising his or her treaty Indian fishing rights at usual and accustomed grounds and stations within the Point No Point, Makah, Quinault, Medicine Creek, and Point Elliott treaty areas to leave any gear unattended unless there is affixed to it an identification tag of tribal affiliation and specific fisherman identification.

[Statutory Authority: RCW 75.08.080. 84-13-078 (Order 84-53), § 220-47-121, filed 6/21/84; Order 76-26, § 220-47-121, filed 1:45 p.m., 4/20/76.]

**WAC 220-47-252 Puget Sound—Salmon preserve—Drayton Harbor.** "Drayton Harbor Salmon Preserve" shall include all the waters of Drayton Harbor and tributaries thereto lying inside and easterly of a line projected from Semiahmoo Spit to the Blaine Boathaven Dock.

[Order 988, § 220-47-252, filed 4/28/72.]

**WAC 220-47-262 Puget Sound—Salmon preserve—San Juan Island.** "San Juan Island Salmon Preserve" shall include those waters of Puget Sound lying inside the following lines: A line projected from Decatur Island Light across Lopez Pass to Lopez Island, a line projected from Fauntleroy Point on Decatur Island through Lawson Rock to Blakely Island; a line projected from Deer Point on Orcas Island across Spindle Rock to Blakely Island; a line projected from Limestone Point on San Juan Island to the northernmost point of Jones Island then 90 degrees true to Orcas Island; a line projected from Reef Point on San Juan Island to the southernmost point of Shaw Island; and a line projected from Flat Point on Lopez Island to the most westerly point on Canoe Island, thence true north to the shoreline of Shaw Island, excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 7E.

[Statutory Authority: RCW 75.08.080. 95-13-056 (Order 95-75), § 220-47-262, filed 6/16/95, effective 7/17/95; 86-13-038 (Order 86-46), § 220-47-262, filed 6/12/86; Order 988, § 220-47-262, filed 4/28/72.]

**WAC 220-47-266 Puget Sound—Salmon preserve—Strait of Juan de Fuca.** "The Strait of Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying within three miles off shore between a line projected 30 degrees true from a point three miles west of the Sekiu River mouth to a line projected 45 degrees true from a point three miles east of the Dungeness River mouth, excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D.

[Statutory Authority: RCW 75.08.080. 88-14-133 (Order 88-48), § 220-47-266, filed 7/6/88; Order 988, § 220-47-266, filed 4/28/72.]

**WAC 220-47-269 Puget Sound—Area 7A salmon fishery separation lines.** (1) The "East Point Line" shall be defined as a line projected from the low water range marker in Boundary Bay on the international boundary through the east tip of Point Roberts to the East Point light on Saturna Island in the province of British Columbia.

(2) The "Iwersen Dock Line" shall be defined as a line projected from Iwersen Dock on Point Roberts to the Georgina Point Light at the entrance to Active Pass in British Columbia.

[Statutory Authority: RCW 75.08.080, 88-14-133 (Order 88-48), § 220-47-269, filed 7/6/88.]

**WAC 220-47-301 Puget Sound—Lawful gear—Purse seine.** (1) Lawful purse seine salmon nets in Puget Sound shall not exceed 1,800 feet in length along the cork line while wet and purse seine and lead combined shall not exceed 2,200 feet. Neither shall contain meshes of a size less than 3-1/2 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear. It shall be lawful as part of the purse seine to have a bunt not more than 10 fathoms long which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material.

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

(5) A purse seine will not be considered to be fishing once both ends of the seine are attached to the primary vessel.

(6) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length, along the corkline in the bunt and within 75 fathoms of the bunt have no corks or floats attached. These four sections must be spaced such that one section is along the corkline in the bunt, within 5 fathoms of the seine net, and the other three sections must be spaced at least 20 fathoms apart along the corkline within 75 fathoms of the bunt.

(7) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

[Statutory Authority: RCW 77.12.047, 04-16-125 (Order 04-202), § 220-47-301, filed 8/4/04, effective 9/4/04; 03-05-076 (Order 03-34), § 220-47-301, filed 2/18/03, effective 3/21/03; 01-07-015 (Order 01-32), § 220-47-301, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-301, filed 7/29/97, effective 8/29/97; 87-15-059 (Order 87-72), § 220-47-301, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-301, filed 6/12/86; Order 988, § 220-47-301, filed 4/28/72.]

**WAC 220-47-302 Puget Sound—Lawful gear—Gill net.** (1) It is unlawful to use drift gill net salmon gear in Puget (2007 Ed.)

Sound that exceeds 1,800 feet in length or contains meshes of a size less than 5 inches, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 mesh deep, or contain mesh size less than 5 inches.

(2) It is unlawful to use skiff gill net salmon nets in Puget Sound that exceed 300 feet in length or 90 meshes in depth, or contain meshes of a size less than 5 inches, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 meshes deep, or contain mesh size less than 5 inches. It is unlawful to retrieve skiff gill nets by any means except hand (no hydraulics may be used). It is unlawful to fail to attend skiff gill nets at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. It is unlawful to set in a circle or to set other than substantially in a straight line.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210/30d (#12) diameter nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A between the dates of September 30 and October 14 unless the gill net vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

(6) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a



"Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

[Statutory Authority: RCW 77.12.047, 06-16-045 (Order 06-173), § 220-47-302, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-302, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-302, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-302, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080, 99-24-011 (99-202), § 220-47-302, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-302, filed 7/29/97, effective 8/29/97; 93-14-041 (Order 93-55), § 220-47-302, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-302, filed 7/20/92, effective 8/20/92; Order 988, § 220-47-302, filed 4/28/72.]

**WAC 220-47-303 Puget Sound—Lawful gear—Reef nets.** (1) Lawful reef net salmon nets in Puget Sound shall not exceed 300 meshes on any side nor contain meshes of a size less than 3-1/2 inches nor utilize more than two leads. Each of said leads shall not exceed 200 feet in length measured from the bows of the reef net boats to the nearest end of the head buoys. The use of any false, detached or auxiliary lead shall be unlawful.

(2) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

[Statutory Authority: RCW 77.12.047, 04-16-125 (Order 04-202), § 220-47-303, filed 8/4/04, effective 9/4/04; Order 988, § 220-47-303, filed 4/28/72.]

**WAC 220-47-307 Closed areas—Puget Sound salmon.** It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those

waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspoint marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

[Statutory Authority: RCW 77.12.047. 04-16-125 (Order 04-202), § 220-47-307, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-307, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-307, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-307, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-307, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-307, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-307, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-307, filed 7/6/94, effective 8/6/94; 92-15-105 (Order 92-47), § 220-47-307, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-307, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-307, filed 6/11/90, effective 7/12/90; 88-14-133 (Order 88-48), § 220-47-307, filed 7/6/88; 85-13-032 (Order 85-60), § 220-47-307, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-307, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-307, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-307, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-307, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-307, filed 8/6/80.]

#### WAC 220-47-310 Puget Sound net seasons—Time.

During the openings provided for in this chapter, all times stated are Pacific Standard Time from January 1 through the

(2007 Ed.)

first Saturday in April and from the last Sunday in October through December 31, and Pacific Daylight Time from the first Sunday in April to the last Saturday in October.

[Statutory Authority: RCW 75.08.080. 91-18-024 (Order 91-72), § 220-47-310, filed 8/27/91, effective 9/27/91.]

**WAC 220-47-311 Purse seine—Open periods.** It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME	DATE
7, 7A:	7AM - 6PM with use of recovery box	10/11, 10/12, 10/13, 10/18, 10/19, 10/20, 10/25, 10/26, 10/27
	- 3:15PM without use of recovery box	
	7AM - 5PM with use of recovery box	11/1, 11/2, 11/3, 11/8, 11/9, 11/10
7B, 7C:	7AM - 2:30PM without use of recovery box	
	6AM - 8PM	8/16, 8/23, 8/30
7B:	7AM - 8PM	9/6
	7AM 9/11	- 7PM 9/13
	7AM 9/17	- 6PM 10/28
	7AM 10/30	- 4PM 11/3
	7AM 11/6	- 4PM 11/10
	7AM 11/13	- 4PM 11/17
	7AM 11/20	- 4PM 11/24
	8AM 11/27	- 4PM 12/1
8A:	7AM - 7PM	Limited participation - two boats (9/25, 10/2).
	7AM - 6PM	10/9, 10/16, 10/24, 10/26
	7AM - 5PM	11/1, 11/6, 11/8, 11/15
	7AM - 4PM	11/20, 11/22
	7AM - 7PM	9/25, 10/2
	7AM - 6PM	10/9, 10/16, 10/24, 10/26
	7AM - 5PM	11/1, 11/6, 11/8, 11/15
	7AM - 4PM	11/20, 11/22
10, 11:	7AM - 6PM	10/16, 10/23, 10/25
	7AM - 5PM	10/30, 11/6, 11/8, 11/13
	7AM - 4PM	11/20
12, 12B:	7AM - 6PM	10/16, 10/23, 10/25
	7AM - 5PM	10/30, 11/6, 11/13
	7AM - 4PM	11/7, 11/14
12C:	7AM - 5PM	11/21
	7AM - 4PM	

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C and after October 29 in Area 7B

Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September 11 in Area 7B

Chum salmon - prior to October 1 in Areas 7 and 7A.

All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-311, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-311, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-311, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-311, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-311, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-311, filed

6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-311, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-311, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-311, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-311, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-311, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-311, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-311, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-311, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-311, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-311, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-311, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-311, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-311, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-311, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-311, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-311, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-311, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-311, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-311, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-311, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-311, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-311, filed 4/13/78; Order 77-66, § 220-47-311, filed 8/5/77; Order 77-14, § 220-47-311, filed 4/15/77; Order 76-41, § 220-47-311, filed 6/4/76; Order 1251, § 220-47-311, filed 8/18/75; Order 1210, § 220-47-311, filed 5/26/75; Order 1143, § 220-47-311, filed 8/8/74; Order 1125, § 220-47-311, filed 6/6/74; Order 1066, § 220-47-311, filed 7/19/73; Order 1057, § 220-47-311, filed 5/22/73; Order 988, § 220-47-311, filed 4/28/72.]

**WAC 220-47-319 Special purse seine mesh size.** It shall be unlawful to take, fish for or possess salmon taken with purse seine gear in any Puget Sound Salmon Management and Catch Reporting Area exclusive of sockeye and pink salmon management unless said purse seine gear is constructed so that the first 100 meshes below the corkline that are within 75 fathoms of the bunt, excluding the bunt, are of a size not less than 5 inches stretch measure.

[Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-319, filed 7/29/97, effective 8/29/97; 92-15-105 (Order 92-47), § 220-47-319, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-319, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-319, filed 6/11/90, effective 7/12/90; 85-13-032 (Order 85-60), § 220-47-319, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-319, filed 6/21/84; 80-10-058 (Order 80-83), § 220-47-319, filed 8/6/80; Order 77-14, § 220-47-319, filed 4/15/77; Order 1066, § 220-47-319, filed 7/19/73; Order 988, § 220-47-319, filed 4/28/72.]

**WAC 220-47-325 Purse seine—Release of incidentally caught fish.** (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete, and additionally:

(2) In Areas 7 and 7A and prior to September 11 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water, unless otherwise provided for in this section.

(3) The brailer shall be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

[Title 220 WAC—p. 74]

(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) Fish may be brought on board without using a brailer or dip net as specified in this section if the number of fish in the net is small enough that the crew can hand pull the bunt onto the vessel without the use of hydraulic or mechanical assistance.

(6) Fishers using a recovery box must have and operate the box in compliance with the provisions of WAC 220-47-302 (5)(a) through (f), and it is unlawful to fail to do so.

[Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-325, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-325, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-325, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-325, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (99-202), § 220-47-325, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-325, filed 7/29/97, effective 8/29/97.]

**WAC 220-47-401 Reef net open periods.** (1) It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	-	DATE(S)
7, 7A	7AM - 7PM Daily		9/16 - 11/11

(2) It is unlawful to retain chinook salmon taken with reef net gear at all times, and it is unlawful to retain chum or wild coho salmon taken with reef net gear prior to October 1.

(3) All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047. 06-16-045 (Order 06-173), § 220-47-401, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-401, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-401, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-401, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-401, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-401, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-401, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-401, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-401, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-401, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-401, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-401, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-401, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-401, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-401, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-401, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-401, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-401, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-401, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-401, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-401, filed 6/12/86; 81-18-017 (Order 81-101), § 220-47-401, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-401, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-401, filed 4/13/78; Order 77-66, § 220-47-401, filed 8/5/77; Order 77-14, § 220-47-401, filed 4/15/77; Order 76-41, § 220-47-401, filed 6/4/76; Order 1210, § 220-47-401, filed 5/26/75; Order 1143, § 220-47-401, filed 8/8/74; Order 1125, § 220-47-401, filed 6/6/74; Order 1066, § 220-47-401, filed 7/19/73; Order 1057, § 220-47-401, filed 5/22/73; Order 988, § 220-47-401, filed 4/28/72.]

**WAC 220-47-410 Gill net—Daily hours.** It is unlawful to take or fish during the Fraser sockeye and pink salmon spe-

(2007 Ed.)

cies seasons in Areas 7 or 7A with gill net gear from 12:00 midnight to 1.5 hours after sunrise.

[Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-410, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-410, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-410, filed 7/29/97, effective 8/29/97.]

**WAC 220-47-411 Gill net—Open periods.** It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

AREA	TIME		DATE(S)	MINIMUM MESH
6D: Skiff gill net only.	7 AM	-	7 PM 9/21, 9/22, 9/25, 9/26, 9/27, 9/28, 9/29, 10/2, 10/3, 10/4, 10/5, 10/6, 10/9, 10/10, 10/11, 10/12, 10/13, 10/16, 10/17, 10/18, 10/19, 10/20, 10/23, 10/24, 10/25, 10/26, 10/27	5"

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook or chum salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

7, 7A:	Noon	-	Midnight, Use of recovery box required	10/11, 10/12, 10/13	6 1/4"
	Noon	-	Midnight	10/18, 10/19, 10/20, 10/25, 10/26, 10/27, 11/1, 11/2, 11/3, 11/8, 11/9, 11/10	6 1/4"

Note: In Areas 7 and 7A after September 30 but prior to October 16, coho and chinook salmon must be released and it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water. Fishers must also use a recovery box in compliance with WAC 220-47-302 (5)(a) through (f).

7B/7C:	7PM	-	7AM	NIGHTLY 8/14, 8/20, 8/22, 8/24, 8/27, 8/29, 8/31	7"
	7PM	-	8AM	NIGHTLY 9/4, 9/5, 9/7	7"
7B:	6PM	-	8AM	NIGHTLY 9/10, 9/12, 9/14	5"
	7AM 9/17	-	8PM 10/28		5"
	7AM 10/30	-	4PM 11/3		6 1/4"
	7AM 11/6	-	4PM 11/10		6 1/4"
	7AM 11/13	-	4PM 11/17		6 1/4"
	7AM 11/20	-	4PM 11/24		6 1/4"
	8AM 11/27	-	4PM 12/1		

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01 AM on the last day in October and is open until 6:00 PM on the first Friday in December.

8:	7AM	-	7PM	10/30, 11/1, 11/3, 11/6, 11/8, 11/10, 11/13, 11/15, 11/17	6 1/4"
	7AM	-	6PM	11/20, 11/22, 11/24	6 1/4"
8A:	6PM	-	8AM	NIGHTLY 10/3	5"
	5PM	-	8AM	NIGHTLY 10/10, 10/12, 10/13	5"
	8AM	-	8PM	10/17, 10/19, 10/20	5"
	8AM	-	8PM	10/23, 10/25, 10/27	6 1/4"
	7AM	-	7PM	10/31, 11/2, 11/3, 11/7, 11/9, 11/10, 11/14, 11/16, 11/17	6 1/4"
	7AM	-	6PM	11/21, 11/23, 11/24	6 1/4"
8D:	6PM	-	8AM	NIGHTLY 9/24, 9/26, 9/28, 10/1, 10/3, 10/5	5"
	5PM	-	8AM	NIGHTLY 10/8, 10/10, 10/12	5"
	8AM	-	8PM	10/19, 10/20, 10/26, 10/27	5"
	7AM	-	7PM	11/2, 11/3	5"
	7AM	-	7PM	11/9, 11/10, 11/16, 11/17	6 1/4"
	7AM	-	6PM	11/23, 11/24	6 1/4"
9A:	7PM	-	7AM	NIGHTLY 8/22, 8/24	5"
	6AM 8/27	-	8PM 10/28		5"

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

10, 11:	4PM	-	7AM	NIGHTLY 10/15	6 1/4"
	5PM	-	8AM	NIGHTLY 10/17, 10/18	6 1/4"
	4PM	-	7AM	NIGHTLY 10/22, 10/24	6 1/4"
	5PM	-	8AM	NIGHTLY 10/25	6 1/4"
	3PM	-	7AM	NIGHTLY 10/29	6 1/4"
	4PM	-	8AM	NIGHTLY 10/31, 11/1	6 1/4"
	3PM	-	7AM	NIGHTLY 11/5, 11/7	6 1/4"
	4PM	-	8AM	NIGHTLY 11/8	6 1/4"
	3PM	-	7AM	NIGHTLY 11/12	6 1/4"
	4PM	-	8AM	NIGHTLY 11/14, 11/15	6 1/4"
	2PM	-	7AM	NIGHTLY 11/19	6 1/4"
	3PM	-	8AM	NIGHTLY 11/21, 11/22	
12A: Skiff gill net only.	7AM	-	7PM	9/5, 9/12, 9/19, 9/26, 10/3, 10/10	5"

Note: In Area 12A it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or chum salmon taken in Area 12A at any time and any salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

12, 12B:	8AM	-	8PM	10/17, 10/19, 10/24, 10/26	6 1/4"
	7AM	-	7PM	10/31, 11/2, 11/7, 11/9, 11/14, 11/16	6 1/4"

AREA	TIME	DATE(S)	MINIMUM MESH
12C:	7AM - 7PM	11/7, 11/9, 11/14, 11/16	6 1/4"
	7AM - 6PM	11/21, 11/22	6 1/4"

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

[Statutory Authority: RCW 77.12.047, 06-16-045 (Order 06-173), § 220-47-411, filed 7/26/06, effective 8/26/06; 05-17-002 (Order 05-166), § 220-47-411, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-411, filed 8/4/04, effective 9/4/04; 03-16-101 (Order 03-179), § 220-47-411, filed 8/6/03, effective 9/6/03; 02-16-004 (Order 02-167), § 220-47-411, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-411, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-411, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-411, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-411, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-411, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-411, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-411, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-411, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-411, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-411, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-411, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-411, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-411, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-411, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-411, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-411, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-411, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-411, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-411, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-411, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-411, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-411, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-411, filed 4/13/78; Order 77-66, § 220-47-411, filed 8/5/77; Order 77-14, § 220-47-411, filed 4/15/77; Order 76-41, § 220-47-411, filed 6/4/76; Order 1251, § 220-47-411, filed 8/18/75; Order 1210, § 220-47-411, filed 5/26/75; Order 1143, § 220-47-411, filed 8/8/74; Order 1125, § 220-47-411, filed 6/6/74; Order 1066, § 220-47-411, filed 7/19/73; Order 1057, § 220-47-411, filed 5/22/73; Order 988, § 220-47-411, filed 4/28/72.]

### **WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.**

(1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue five salmon beach seine experimental fishery permits.

(3) The following is the selection process the department will use to offer a salmon beach seine experimental permit.

(a) Persons who held a salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department established a pool of applicants by drawing on August 13, 2002. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the salmon beach seine experimental permit being aboard the designated vessel in the open fishery area two days each week during the open fishing period.

(b) If the salmon beach seine experimental permit holder fails to participate, the salmon beach seine experimental permit issued to that fisher will be void and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool established in 2002.

(c) The department may require proof of participation by maintaining a department approved log book or registering with state officials each day the salmon beach seine experimental permit holder participates.

(d) Persons who participate, but violate conditions of a salmon beach seine experimental permit, will have the permit voided and a new salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive, or, at the

direction of federal or state officials, submitted for brood-stock purposes.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

[Statutory Authority: RCW 77.12.047, 03-18-005 (Order 03-210), § 220-47-427, filed 8/20/03, effective 9/20/03; 00-18-023 (Order 00-172), § 220-47-427, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-427, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-427, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-427, filed 7/29/97, effective 8/29/97; 96-19-049 (Order 96-152), § 220-47-427, filed 9/12/96, effective 10/13/96.]

**WAC 220-47-428 Beach seine—Open periods.** It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

All areas: Closed.

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

[Statutory Authority: RCW 77.12.047, 05-17-002 (Order 05-166), § 220-47-428, filed 8/3/05, effective 9/3/05; 04-16-125 (Order 04-202), § 220-47-428, filed 8/4/04, effective 9/4/04; 03-18-005 (Order 03-210), § 220-47-428, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-428, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-428, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-428, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080, 99-24-011 (Order 99-202), § 220-47-428, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040, 98-15-081 (Order 98-122), § 220-47-428, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080, 97-16-030 (Order 97-124), § 220-47-428, filed 7/29/97, effective

8/29/97; 96-15-101 (Order 96-81), § 220-47-428, filed 7/22/96, effective 8/22/96.]

**WAC 220-47-500 Limited participation salmon net fisheries.** (1) When the director determines that a harvestable amount of salmon appears to be available, but that full-fleet fishing effort has an unacceptable risk of exceeding the available harvest or compromises other specific management objectives, the director may authorize a limited participation fishery in extreme terminal fishing areas in order to provide additional opportunities for net fisheries where they might not otherwise exist. Such a fishery may be authorized for experimental or developmental fisheries, fisheries necessary to refine run size data, fisheries necessary to provide biological information, or in cases where:

(a) Other specific management objectives have been stated for the species and area in question; or

(b) There is a reasonable expectation that foregone opportunity will be claimed and the harvestable surplus cannot be carried forward to the next year of harvest; and

(c) Full-fleet participation with time, space, or gear restrictions cannot achieve the harvest goal.

(2) Only licensed commercial salmon fishers may participate in a limited participation fishery. Only one listing is allowed per license. Fishers who wish to have their name placed on a limited participation register must mark the appropriate box on their license renewal application, or so notify the department, in writing, by July 31st. Interested fishers must provide a message phone number at which they may be contacted.

(3) Each year the department will, from the list of interested fishers, use random selection to create a priority list for gill net fishers and a priority list for purse seine fishers. Priority registers will be available for inspection at the department's Olympia office, or upon written request to the department. Once the priority lists have been created, sale or transfer of the license shall invalidate the receiver from participation in that year's limited participation fishery.

(4) The number of units of each gear type selected to participate in a limited participation fishery will reflect the most recent ratio of gear types in the full-fleet fishery directed at the species in question, except when conservation concerns, biological data collection needs, or specific management objectives dictate alternative ratios or use of a single gear type.

(5) When a limited participation fishery is authorized, the department will contact fishers from the priority register at least twenty-four hours prior to the opening of the fishery. When a fisher cannot be contacted after reasonable effort, the department will select the next name, until the maximum number of allowable units of gear is reached. If not reached, the fisher's name will remain at the priority position, but the fisher may not participate in that limited participation fishery. Agreement to participate, or declining to participate, will remove the fisher from the priority position, and place the name at the bottom of the priority list.

(6) Examples of specific management objectives include but are not limited to:

(a) Reducing levels of incidental catch of wild salmon stocks;

(2007 Ed.)

(b) Reducing incidental catch of nontarget salmon species originating from regions other than the fishing area; or  
(c) Specific recreational emphasis action.

[Statutory Authority: RCW 75.08.080, 92-15-105 (Order 92-47), § 220-47-500, filed 7/20/92, effective 8/20/92; 90-13-025 (Order 90-49), § 220-47-500, filed 6/11/90, effective 7/12/90.]

## Chapter 220-48 WAC

### PUGET SOUND—FISH OTHER THAN SALMON

#### WAC

220-48-001	Puget Sound bottomfish gear.
220-48-005	Puget Sound bottomfish—General provisions.
220-48-011	Beam trawl and otter trawl—Gear.
220-48-013	Beam trawl and otter trawl logbooks.
220-48-015	Beam trawl and bottom trawl—Seasons.
220-48-016	Pelagic trawl—Gear—Licensing.
220-48-017	Pelagic trawl—Seasons.
220-48-019	Roller trawl—Seasons.
220-48-025	Set net—Pacific cod—Gear.
220-48-026	Set net—Pacific cod—Seasons.
220-48-027	Set net—Pacific cod—Logbooks.
220-48-028	Set net—Dogfish—Gear.
220-48-029	Set net—Dogfish—Seasons.
220-48-031	Set line—Gear.
220-48-032	Set line—Seasons.
220-48-041	Commercial jig—Gear.
220-48-042	Commercial jig—Seasons.
220-48-051	Troll lines—Bottomfish—Gear.
220-48-052	Bottomfish troll—Seasons.
220-48-061	Drag seines—Gear.
220-48-062	Drag seines—Seasons.
220-48-071	Bottomfish pots—Gear and seasons.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-48-010	Puget Sound—Salmon fishing areas. [Order 721, § 3 (part), filed 3/9/67; subsection 1 from Orders 421 and 256, filed 3/1/60; subsections 2, 11 from Orders 448 and 256, filed 3/1/60; subsections 3, 7, 9 from Orders 380 and 256, filed 3/1/60; subsection 4 from Order 543, filed 3/20/62; Orders 380 and 256, filed 3/1/60; subsection (5) from Order 543, filed 3/20/62; subsection 6 from Orders 422 and 256, filed 3/1/60; subsection 8 from Order 507, filed 4/13/60; Orders 380 and 256, filed 3/1/60; subsection 10 from Orders 452 and 256, filed 3/1/60.] Rescinded by Order 771-B, filed 3/29/68. Later promulgation, see WAC 220-47-010.
220-48-020	Puget Sound—Salmon preserves. [Order 721, § 3 (part), filed 3/9/67; subsections 1-4, 6-10, 12, 15, 17 from Orders 380 and 256, filed 3/1/60; subsection 5 from Order 568, filed 3/26/63; Orders 380 and 256, filed 3/1/60; subsection 11 from Order 677, filed 3/31/66; Order 525, filed 5/3/61; Orders 380 and 256, filed 3/1/60; subsection 13 from Orders 452 and 256, filed 3/1/60; subsections 14, 18 from Orders 421 and 256, filed 3/1/60; subsection 16 from Order 605, filed 4/21/64; Orders 421 and 256, filed 3/1/60; subsection 19 from Order 677, filed 3/31/66.] Rescinded by Order 771-B, filed 3/29/68. Later promulgation, see WAC 220-47-020.
220-48-030	Puget Sound—Salmon, lawful gear. [Order 721, § 3 (part), filed 3/9/67; subsections 1-4 from Order 677, filed 3/31/66; Order 635, filed 3/31/66; Orders 317 and 256, filed 3/1/60; subsection 2 from Order 569, filed 4/11/63; Orders 421 and 256, filed 3/1/60; subsection 3 from Order 525, filed 5/3/61; Orders 317 and 256, filed 3/1/60.] Rescinded by Order 771-B, filed 3/29/68. Later promulgation, see WAC 220-47-030.
220-48-040	Puget Sound—Salmon—Purse seine and reef net seasons. [Order 721, § 3 (part), filed 3/9/67; subsections 1-6 from Order 677, filed 3/31/66; Order 635, filed 3/31/65; Order 603, filed 3/25/64; Order 568 (part), filed 3/26/63; Order 543 (part), filed 3/20/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Order 256, filed 3/1/60; subsection 7 from Order 570, filed 5/17/63; subsection 8 from Order 677, filed 3/31/66; Order 635, filed 3/31/65; subsection 9 from Order 638, filed 4/28/66.]

- Rescinded by Order 771-B, filed 3/29/68. Later promulgation, see WAC 220-47-040 and 220-47-050.
- 220-48-045 Puget Sound—Emergencies. [Order 570, filed 5/17/63.] Repealed by Order 721, § 2 (part), filed 3/9/67.
- 220-48-046 Commercial jig—Logbooks. [Statutory Authority: RCW 75.08.080. 83-24-024 (Order 83-200), § 220-48-046, filed 11/30/83, effective 1/1/84; 82-24-080 (Order 82-215), § 220-48-046, filed 12/1/82, effective 1/1/83.] Repealed by 87-04-003 (Order 87-03), filed 1/22/87. Statutory Authority: RCW 75.08.080.
- 220-48-050 Puget Sound—Salmon—Gill net seasons. [Order 725, § 1, filed 4/11/67; Order 722, § 1, filed 3/14/67; Order 721, § 3 (part), filed 3/9/67; subsections 1-7 from Order 677, filed 3/31/66; Order 635, filed 3/31/65; 603, filed 3/25/64; Order 568 (part), filed 3/26/63; Order 543, filed 3/20/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Order 256, filed 3/1/60; subsections 8 and 9 from Order 568, filed 3/26/63; Order 543, filed 3/20/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Order 25, filed 3/1/60; subsection 10 from Order 677, filed 3/31/66.] Rescinded by Order 771-B, filed 3/29/68. Later promulgation, see WAC 220-47-060.
- 220-48-055 Puget Sound—Emergencies. [Order 568, filed 3/26/63.] Repealed by Order 721, § 2 (part), filed 3/9/67.
- 220-48-056 Troll lines—Bottomfish—Logbooks. [Statutory Authority: RCW 75.08.080. 83-24-024 (Order 83-200), § 220-48-056, filed 11/30/83, effective 1/1/84; 82-24-080 (Order 82-215), § 220-48-056, filed 12/1/82, effective 1/1/83.] Repealed by 87-04-003 (Order 87-03), filed 1/22/87. Statutory Authority: RCW 75.08.080.
- 220-48-060 Puget Sound—Salmon—Troll line seasons. [Order 721, § 3 (part), filed 3/9/67; subsections 1-3 from Order 568, filed 3/26/63; Orders 483 and 256, filed 3/1/60.] Rescinded by Order 771-B, filed 3/29/68. Later promulgation, see WAC 220-47-070.
- 220-48-065 Puget Sound—Emergencies. [Order 525, § 15, filed 5/3/61; Order 507, § 12, filed 4/13/60; Orders 483 and 256, filed 3/1/60.] Repealed by Order 721, § 2 (part), filed 3/9/67.
- 220-48-070 Puget Sound—Bottomfish areas. [Order 758, § 4 (part), filed 10/16/67; Orders 344 and 256, filed 3/1/60.] Repealed by Order 76-148, filed 12/2/76.
- 220-48-080 Puget Sound bottomfish gear. [Statutory Authority: RCW 75.08.080. 81-02-053 (Order 81-3), § 220-48-080, filed 1/7/81; 79-03-014 (Order 79-11), § 220-48-080, filed 2/15/79; 78-04-039 (Order 78-11), § 220-48-080, filed 3/20/78; Order 77-147, § 220-48-080, filed 12/16/77; Order 77-14, § 220-48-080, filed 4/15/77; Order 76-148, § 220-48-080, filed 12/2/76; 76-26, § 220-48-080, filed 1:45 p.m., 4/20/76; Order 1193-A, § 220-48-080, filed 3/5/75; Order 1193, § 220-48-080, filed 3/4/75; Order 1105, § 220-48-080, filed 12/28/73; Order 945, § 220-48-080, filed 8/16/71; Order 892, § 220-48-080, filed 9/22/70; Order 817, § 220-48-080, filed 5/29/69; Order 770-A, § 220-48-080, filed 2/15/68; Order 758, § 4 (part), filed 10/16/67; subsections 1a-1e, 2-7 from Orders 344 and 256, filed 3/1/60; subsection 1f from Orders 444 and 256, filed 3/1/60; subsection 8 from Orders 396 and 256, filed 3/1/60.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-090 Otter trawl and beam trawl seasons. [Order 77-147, § 220-48-090, filed 12/16/77; Order 77-14, § 220-48-090, filed 4/15/77; Order 76-148, § 220-48-090, filed 12/2/76; Order 1193, § 220-48-090, filed 3/4/75; Order 817, § 220-48-090, filed 5/29/69; Order 770-A, § 220-48-090, filed 2/15/68; Order 758, § 4 (part), filed 10/16/67; subsections 1-4 from Order 344, filed 3/1/60; subsection 5 from Order 355, filed 3/1/60; subsection 6 from Orders 370 and 256, filed 3/1/60.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-09001 Size limit—Dab and sole. [Statutory Authority: RCW 75.08.080. 81-02-053 (Order 81-3), § 220-48-09001, filed 1/7/81.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-091 Set net—Pacific cod—Seasons. [Statutory Authority: RCW 75.08.080. 81-02-053 (Order 81-3), § 220-48-091, filed 1/7/81; Order 77-147, § 220-48-091, filed 12/16/77; Order 76-148, § 220-48-091, filed 12/2/76.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-092 Set net—Pacific cod—Gear. [Statutory Authority: RCW 75.08.080. 81-02-053 (Order 81-3), § 220-48-092, filed 1/7/81; Order 77-147, § 220-48-092, filed 12/16/77; Order 76-148, § 220-48-092, filed 12/2/76.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-095 Set net—Dogfish—Gear. [Order 77-147, § 220-48-095, filed 12/16/77; Order 76-148, § 220-48-095, filed 12/2/76.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-096 Set net—Dogfish—Seasons. [Statutory Authority: RCW 75.08.080. 81-02-053 (Order 81-3), § 220-48-096, filed 1/7/81; 78-04-039 (Order 78-11), § 220-48-096, filed 3/20/78; Order 77-147, § 220-48-096, filed 12/16/77; Order 76-148, § 220-48-096, filed 12/2/76.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-098 Lingcod—Seasons. [Statutory Authority: RCW 75.08.080. 81-02-053 (Order 81-3), § 220-48-098, filed 1/7/81; 78-04-039 (Order 78-11), § 220-48-098, filed 3/20/78.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-100 Seasons—Other bottomfish gears. [Statutory Authority: RCW 75.08.080. 81-02-053 (Order 81-3), § 220-48-100, filed 1/7/81; 79-03-014 (Order 79-11), § 220-48-100, filed 2/15/79; Order 77-147, § 220-48-100, filed 12/16/77; Order 76-148, § 220-48-100, filed 12/2/76; Order 1193, § 220-48-100, filed 3/4/75; Order 758, § 4 (part), filed 10/16/67; subsection 1 from Order 543, filed 3/20/62; Orders 398 and 256, filed 3/1/60; subsection 2 from Order 371, filed 3/1/60; subsection 3 from Orders 350 and 256, filed 3/1/60.] Repealed by 82-14-056 (Order 82-72), filed 7/1/82. Statutory Authority: RCW 75.08.080.
- 220-48-110 Puget Sound—Herring and candlefish—Areas. [Order 758, § 4 (part), filed 10/16/67; subsections 1-5 from Orders 479 and 256, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-120 Puget Sound—Herring and candlefish—Lawful gear. [Order 866, § 220-48-120, filed 6/12/70; Order 758, § 4 (part), filed 10/16/67; Orders 437 and 256, subsections 1, 3-9, filed 3/1/60; Orders 479 and 256, subsection 2, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-130 Puget Sound—Unlawful herring/candlefish fishery. [Order 817, § 220-48-130, filed 5/29/69; Order 758, § 4 (part), filed 10/16/67; subsections 1-5 from Orders 437 and 256, filed 3/1/60; subsection 6 from Orders 505 and 256, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-140 Puget Sound—Herring/candlefish—Seasons. [Order 758, § 4 (part), filed 10/16/67; subsections 1, 2, 5, 6 from Orders 437 and 256, filed 3/1/60; subsection 3 from Order 591, filed 10/28/63; Orders 505 and 256, filed 3/1/60; subsection 4 from Order 605, filed 4/21/64; Orders 505 and 256, filed 3/1/60; subsection 6 from Order 605, filed 4/21/64; Orders 437 and 256, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-150 Puget Sound—Perch fishery. [Order 758, § 4 (part), filed 10/16/67; Order 256, § 56, filed 3/16/60; Order 517, filed 9/21/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-170 Puget Sound—Anchovy, pilchard—Areas. [Subsections 1-3 from Order 256, § 58, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-180 Puget Sound—Anchovy, pilchard—Lawful gear. [Subsections 1-6 from Order 256, § 59, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-190 Puget Sound—Anchovy, pilchard—Unlawful acts. [Subsections 1, 2 from Order 256, § 60, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-200 Puget Sound—Anchovy, pilchard—Lawful acts—Seasons. [Subsections 1-3 from Order 256, § 61; filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-210 Puget Sound—Smelt fishery—Areas. [Subsections 1-13 from Order 256, § 62, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-220 Puget Sound—Smelt fishery—Lawful gear. [Subsections 1-6 from Order 256, § 63, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-230 Puget Sound—Smelt fishery—Seasons, time and gear. [Subsections 1-3 from Order 483; Order 256, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.
- 220-48-240 Puget Sound—Smelt fishery—Unlawful acts. [Order 817, § 220-48-240, filed 5/29/69; Order 591, filed 11/27/63; Order 507, filed 4/13/60; Order 256, filed 3/1/60.] Repealed by Order 1105, filed 12/28/73.

**WAC 220-48-001 Puget Sound bottomfish gear.** It is unlawful to fish for or possess bottomfish taken for commercial purposes in Puget Sound except as provided for in this chapter.

Note: Gear specifications and seasons are provided for in the rest of chapter 220-48 WAC.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-001, filed 5/19/94, effective 6/19/94; 83-24-024 (Order 83-200), § 220-48-001, filed 11/30/83, effective 1/1/84; 82-14-056 (Order 82-72), § 220-48-001, filed 7/1/82.]

**WAC 220-48-005 Puget Sound bottomfish—General provisions.** (1) It is unlawful to possess any English sole less than 12 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(2) It is unlawful to possess any starry flounder less than 14 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to possess lingcod taken with any commercial gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 23D, 24A, 24B, 24C, 24D, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to possess any lingcod less than 26 inches in length or greater than 40 inches in length taken by any commercial gear in all state waters east of the Bonilla-Tatoosh line.

(5) It is unlawful to possess lingcod taken by any commercial gear from June 16 through April 30 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 25A, 25E, and 29.

(6) It is unlawful to possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-063 and 220-52-066.

(7) Incidental catch.

(a) It is lawful to retain bottomfish taken incidental to any lawful salmon fishery, provided the bottomfish could be lawfully taken.

(b) It is unlawful to retain salmon or sturgeon taken incidental to any lawful bottomfish fishery in Puget Sound.

(c) It is unlawful to retain any species of shellfish taken incidental to any bottomfish fishery in Puget Sound, except that it is lawful to retain octopus and squid.

(d) It is unlawful to retain any whiting taken incidental to any bottomfish fishery in Catch Areas 24B, 24C or 26A except using pelagic trawl gear when these areas have been opened by the director for a directed whiting fishery.

(8) A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(9) Pacific cod.

(a) It is unlawful to discard any Pacific cod taken by any commercial fishing gear.

(b) All Pacific cod taken by a commercial gear shall be landed at a licensed commercial dealer.

(10) Sablefish. It is unlawful to take more than 300 pounds of sablefish per vessel trip or more than 600 pounds of sablefish per two-month cumulative limit from open Puget Sound Marine Fish-Shellfish Management and Catch Report-

(2007 Ed.)

ing Areas. A two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two-fixed calendar month period. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December.

(11) Sixgill shark. It is unlawful to retain sixgill shark taken by commercial fishing gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

[Statutory Authority: RCW 77.12.047, 02-08-026 (Order 02-66), § 220-48-005, filed 3/27/02, effective 4/27/02. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-005, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-48-005, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-48-005, filed 7/14/93, effective 8/14/93; 92-11-011 (Order 92-28), § 220-48-005, filed 5/12/92, effective 6/12/92; 85-08-023 (Order 85-24), § 220-48-005, filed 4/1/85; 83-24-024 (Order 83-200), § 220-48-005, filed 11/30/83, effective 1/1/84; 82-24-080 (Order 82-215), § 220-48-005, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-005, filed 7/1/82.]

**WAC 220-48-011 Beam trawl and otter trawl—Gear.** (1)(a) **Mesh sizes.** It is unlawful to use or operate beam trawls or otter trawls having mesh size in the codend section less than 4 1/2 inches in waters of Puget Sound, unless otherwise provided.

(b) It is lawful to use or operate pelagic trawl gear having mesh size in the codend section of not less than 3 inches while fishing for Pacific whiting during the seasons provided in WAC 220-48-017 (1) and (2).

(2) **Chafing gear.**

(a) For bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(b) For roller trawls and pelagic trawls chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches.

(3) **Roller trawl.**

It is unlawful to use roller trawl gear in Puget Sound.

[Statutory Authority: RCW 77.12.047, 00-17-145 (Order 00-165), § 220-48-011, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-011, filed 5/19/94, effective 6/19/94; 91-13-051 (Order 91-39), § 220-48-011, filed 6/14/91, effective 7/15/91; 87-04-003 (Order 87-03), § 220-48-011, filed 1/22/87; 85-08-023 (Order 85-24), § 220-48-011, filed 4/1/85; 84-08-014 (Order 84-24), § 220-48-011, filed 3/27/84; 83-24-024 (Order 83-200), § 220-48-011, filed 11/30/83, effective 1/1/84; 82-14-056 (Order 82-72), § 220-48-011, filed 7/1/82.]

**WAC 220-48-013 Beam trawl and otter trawl logbooks.** It shall be unlawful for any operator of beam trawl or otter trawl gears to fail to obtain and accurately maintain a "Washington Inside Waters Trawl Logbook" while fishing for, or while in possession of, bottomfish taken from east of the Bonilla-Tatoosh line. A logbook must be obtained from the Washington department of fisheries and must be kept aboard the vessel while fishing, or in possession of bottomfish taken east of the Bonilla-Tatoosh line. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department of fisheries representatives. For each fishing trip, and prior to landing, vessel operators shall record the vessel name and state registration number, the dates and times of departure from and return to port, and the buyer(s) of the fish landed. In addition, for each trawl tow conducted during the trip, the vessel operator shall record the month and day, duration of the tow, spe-



cific area fished, latitude and longitude to the nearest tenth minute of the gear set and haul back position, depth fished, net type, target species and estimated weight of each species of fish retained. The department copies of the completed log-book sheet(s) must be submitted to the department for each calendar month in which fishing activity occurs. Department copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first.

[Statutory Authority: RCW 75.08.080, 98-14-091, § 220-48-013, filed 6/30/98, effective 7/31/98; 98-05-043, § 220-48-013, filed 2/11/98, effective 3/14/98; 85-08-023 (Order 85-24), § 220-48-013, filed 4/1/85.]

**WAC 220-48-015 Beam trawl and bottom trawl—Seasons.** (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, and 25B the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) Areas 20A, 20B, 21A, 22A and 22B are closed to all trawl fishing in waters less than 30 feet deep.

(e) Areas 20A, 20B, 21A, 22A and 22B are closed in waters deeper than 40 fathoms from 12:01 a.m. September 15 through December 31 except if the Pacific cod quota for these waters has not been taken by September 15, these waters may be opened by emergency rule for the taking of the Pacific cod quota.

(f) Area 23C is closed to otter trawl fishing the entire year in waters shallower than 50 fathoms and is closed to beam trawl fishing in waters less than 60 feet deep.

(g) Area 23C is closed to otter trawl Wednesday, Saturday and Sunday, January 1 through August 31, and closed to all otter trawl September 1 through December 31.

(2) It is lawful to fish for and possess bottomfish taken with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year with the following exceptions:

(a) All of Area 25A is closed February 1 through April 15 of each year.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Kipap Point to Gibson Spit (Sequim Bay) are closed the entire year.

(c) Areas 23A, 25A and 25B are closed to beam trawl fishing in waters less than 60 feet deep.

[Title 220 WAC—p. 80]

(3) It is unlawful to fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year.

(4) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D, and 29 the entire year.

(5) It is unlawful to take more than 500 pounds of rockfish with beam trawl and bottom trawl gear during any vessel trip in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

[Statutory Authority: RCW 77.12.047, 01-10-001 (Order 01-58), § 220-48-015, filed 4/18/01, effective 5/19/01; 01-02-060 (Order 00-266), § 220-48-015, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-015, filed 2/11/98, effective 3/14/98; 97-07-053 (Order 97-52), § 220-48-015, filed 3/17/97, effective 4/17/97; 94-19-001 (Order 94-96), § 220-48-015, filed 9/7/94, effective 10/8/94; 94-12-009 (Order 94-23), § 220-48-015, filed 5/19/94, effective 6/19/94; 91-13-051 (Order 91-39), § 220-48-015, filed 6/14/91, effective 7/15/91; 89-14-010 (Order 89-48), § 220-48-015, filed 6/22/89; 87-04-003 (Order 87-03), § 220-48-015, filed 1/22/87; 85-08-023 (Order 85-24), § 220-48-015, filed 4/1/85; 84-08-014 (Order 84-24), § 220-48-015, filed 3/27/84; 83-24-024 (Order 83-200), § 220-48-015, filed 11/30/83, effective 1/1/84; 83-04-025 (Order 83-04), § 220-48-015, filed 1/27/83; 82-24-080 (Order 82-215), § 220-48-015, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-015, filed 7/1/82.]

**WAC 220-48-016 Pelagic trawl—Gear—Licensing.** (1) A food fish trawl—Puget Sound fishery license is a license required to operate pelagic trawl and allows the operator to retain whiting and other bottomfish taken in all Puget Sound catch areas except 24B, 24C and 26A.

(2) A whiting—Puget Sound fishery license is a license required to operate pelagic trawl and allows the operator to retain whiting and other bottomfish taken in all Puget Sound catch areas open to pelagic trawl.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-016, filed 5/19/94, effective 6/19/94.]

**WAC 220-48-017 Pelagic trawl—Seasons.** It is unlawful to take, fish for and possess bottomfish taken with pelagic trawl gear except in the Marine Fish-Shellfish Management and Catch Reporting Areas and during the times as follows:

(1) Areas 20A and 20B - Open February 16 through April 15.

(2) In any area at any time so designated by a permit issued by the director of the department.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-017, filed 5/19/94, effective 6/19/94; 91-13-051 (Order 91-39), § 220-48-017, filed 6/14/91, effective 7/15/91; 87-04-003 (Order 87-03), § 220-48-017, filed 1/22/87; 84-08-014 (Order 84-24), § 220-48-017, filed 3/27/84; 82-14-056 (Order 82-72), § 220-48-017, filed 7/1/82.]

**WAC 220-48-019 Roller trawl—Seasons.** (1) It is unlawful to use roller trawls in any Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area.

[Statutory Authority: RCW 77.12.047, 00-17-145 (Order 00-165), § 220-48-019, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-019, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-48-019, filed 5/19/94, effective 6/19/94; 82-14-056 (Order 82-72), § 220-48-019, filed 7/1/82.]

(2007 Ed.)

**WAC 220-48-025 Set net—Pacific cod—Gear.** Pacific cod set net gear may not be used in Puget Sound.

[Statutory Authority: RCW 75.08.080, 87-04-003 (Order 87-03), § 220-48-025, filed 1/22/87; 83-24-024 (Order 83-200), § 220-48-025, filed 11/30/83, effective 1/1/84; 82-14-056 (Order 82-72), § 220-48-025, filed 7/1/82.]

**WAC 220-48-026 Set net—Pacific cod—Seasons.** It is unlawful to fish for or possess Pacific cod, other food fish, or shellfish taken with Pacific cod set net gear in any Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area the entire year.

[Statutory Authority: RCW 75.08.080, 87-04-003 (Order 87-03), § 220-48-026, filed 1/22/87; 83-24-024 (Order 83-200), § 220-48-026, filed 11/30/83, effective 1/1/84; 82-24-080 (Order 82-215), § 220-48-026, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-026, filed 7/1/82.]

**WAC 220-48-027 Set net—Pacific cod—Logbooks.** Pacific cod set net gear may not be used in Puget Sound.

[Statutory Authority: RCW 75.08.080, 87-04-003 (Order 87-03), § 220-48-027, filed 1/22/87; 83-24-024 (Order 83-200), § 220-48-027, filed 11/30/83, effective 1/1/84.]

**WAC 220-48-028 Set net—Dogfish—Gear.** (1) It is lawful to take, fish for and possess dogfish with set net gear as described below:

- (a) Maximum four nets, per vessel each net having a length not to exceed 1,000 feet.
- (b) Net depth must not exceed 25 meshes.
- (c) Net mesh must not be less than 5 inches.
- (d) Net web material must be no finer than 210/30 denier nylon which is regular seine thread size number 12, or 0.048 inches in diameter.
- (e) Dogfish set net tags, issued by the department of fisheries for the current year must be affixed to buoys on each end of each net.
- (2) Licensing: A dogfish set net fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-028, filed 5/19/94, effective 6/19/94; 83-24-024 (Order 83-200), § 220-48-028, filed 11/30/83, effective 1/1/84; 82-14-056 (Order 82-72), § 220-48-028, filed 7/1/82.]

**WAC 220-48-029 Set net—Dogfish—Seasons.** (1) It is unlawful to take, fish for and possess dogfish and other species of bottomfish taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except during the seasons designated below:

- (a) Areas 20A and 20B - November 1 through June 15.
- (b) Area 21A - March 1 through June 15.
- (c) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.
- (d) Areas 23C and 23D - September 16 through June 15.
- (e) Areas 24A, 24B, and 24D - September 16 through June 15.
- (f) Area 24C - September 16 through June 15, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.
- (g) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - September 16 through June 15.

(2007 Ed.)

(h) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.

(i) Area 25E - Closed all year.

(j) Area 26A - September 16 through June 15, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(k) Area 26B - September 16 through June 15, except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(l) Area 26C - Open April 16 through June 15 and September 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(m) Area 26D - September 16 through June 15, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

(n) Areas 27A, 27B, and 27C - Closed all year.

(o) Area 28A - September 16 through June 15, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(p) Areas 28B, 28C, and 28D - September 16 through June 15, except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

(q) Area 29 - September 16 through June 15.

(2) Incidental catch: It is unlawful to retain any shellfish or fish other than bottomfish.

[Statutory Authority: RCW 77.12.047, 04-17-098 (Order 04-218), § 220-48-029, filed 8/17/04, effective 9/17/04; 03-05-063 (Order 03-27), § 220-48-029, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080, 91-13-051 (Order 91-39), § 220-48-029, filed 6/14/91, effective 7/15/91; 89-14-010 (Order 89-48), § 220-48-029, filed 6/22/89; 84-08-014 (Order 84-24), § 220-48-029, filed 3/27/84; 82-24-080 (Order 82-215), § 220-48-029, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-029, filed 7/1/82.]

**WAC 220-48-031 Set line—Gear.** (1) It is unlawful to take, fish for, and possess bottomfish in Puget Sound except with set line gear as described below:

- (a) Hook size must not be smaller than size 7/0 for Kirby style hooks or size 8 for tuna circle style hooks.
- (b) Gangions made of single strand monofilament synthetic material are unlawful.
- (c) Set lines must be marked at the surface at each terminal end as described in WAC 220-20-010(5).
- (2) Licensing: A food fish set line fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-031, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-48-031, filed 3/27/84; 83-24-024 (Order 83-200), § 220-48-031, filed 11/30/83, effective 1/1/84; 82-14-056 (Order 82-72), § 220-48-031, filed 7/1/82.]

**WAC 220-48-032 Set line—Seasons.** (1) Set line fishing for dogfish and other bottomfish is open in all Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas year-round except as provided in this section.

(2) It is unlawful to take, fish for, and possess dogfish and other bottomfish taken with set lines in:

(a) All Marine Fish-Shellfish Management and Catch Reporting Areas June 16 through September 15.

(b) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

(c) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(d) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

(e) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

(f) Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(3) Incidental catch: It is unlawful to retain any shellfish and any fish other than bottomfish, and the cumulative weight of rockfish and lingcod shall not exceed 30 pounds for any vessel trip in all open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

[Statutory Authority: RCW 77.12.047, 04-17-098 (Order 04-218), § 220-48-032, filed 8/17/04, effective 9/17/04; 03-05-063 (Order 03-27), § 220-48-032, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-032, filed 2/11/98, effective 3/14/98; 87-04-003 (Order 87-03), § 220-48-032, filed 1/22/87; 82-24-080 (Order 82-215), § 220-48-032, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-032, filed 7/1/82.]

**WAC 220-48-041 Commercial jig—Gear.** (1) It is lawful to fish for and possess bottomfish with commercial jig gear.

(2) Licensing: A bottomfish jig fishery license is the license required to operate commercial jig gear in Puget Sound.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-041, filed 5/19/94, effective 6/19/94; 83-24-024 (Order 83-200), § 220-48-041, filed 11/30/83, effective 1/1/84; 82-14-056 (Order 82-72), § 220-48-041, filed 7/1/82.]

**WAC 220-48-042 Commercial jig—Seasons.** It shall be unlawful to fish for or possess bottomfish taken for commercial purposes with commercial jig gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

[Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-042, filed 2/11/98, effective 3/14/98; 92-11-011 (Order 92-28), § 220-48-042, filed 5/12/92, effective 6/12/92; 83-24-024 (Order 83-200), § 220-48-042, filed 11/30/83, effective 1/1/84; 82-24-080 (Order 82-215), § 220-48-042, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-042, filed 7/1/82.]

**WAC 220-48-051 Troll lines—Bottomfish—Gear.** (1) It is lawful to take, fish for, and possess bottomfish with troll line gear as specified below, unless otherwise provided:

(a) No more than two troll lines per vessel.

(b) No more than four spreads per line.

(c) The top spread can not be more than twenty-four feet from the weight on the end of the line.

(2) Licensing: A bottomfish troll fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-051, filed 5/19/94, effective 6/19/94; 82-14-056 (Order 82-72), § 220-48-051, filed 7/1/82.]

**WAC 220-48-052 Bottomfish troll—Seasons.** (1) It is unlawful to fish for or possess bottomfish taken for commercial purposes with bottomfish troll gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(2) It is unlawful to fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license.

(3) In any waters of Puget Sound it is lawful to retain for commercial purposes bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery, except lingcod during closures provided in WAC 220-48-005.

[Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-052, filed 2/11/98, effective 3/14/98; 92-11-011 (Order 92-28), § 220-48-052, filed 5/12/92, effective 6/12/92; 83-24-024 (Order 83-200), § 220-48-052, filed 11/30/83, effective 1/1/84; 82-24-080 (Order 82-215), § 220-48-052, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-052, filed 7/1/82.]

**WAC 220-48-061 Drag seines—Gear.** (1) It is lawful to take, fish for, and possess bottomfish, unless otherwise provided, with drag seine or beach seine gear as described below:

(a) Seines must not be longer than 350 feet in length.

(b) Net mesh must not be smaller than 1/2 inch stretch measure.

(2) Licensing: A food fish drag seine fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-48-061, filed 5/19/94, effective 6/19/94; 82-14-056 (Order 82-72), § 220-48-061, filed 7/1/82.]

**WAC 220-48-062 Drag seines—Seasons.** It is unlawful to take, fish for, and possess bottomfish with drag seine gear for commercial purposes except in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 28A, 28B, 28C, and 28D - Open January 1 through April 30.

(2) All other areas - Open September 1 through April 30, except Areas 27A, 27B, and 27C are closed year-round.

[Statutory Authority: RCW 77.12.047, 04-17-098 (Order 04-218), § 220-48-062, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080, 89-14-010 (Order 89-48), § 220-48-062, filed 6/22/89; 82-24-080 (Order 82-215), § 220-48-062, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-062, filed 7/1/82.]

**WAC 220-48-071 Bottomfish pots—Gear and seasons.** (1) It shall be unlawful to take, fish for, and possess bottomfish for commercial purposes with bottomfish pot gear as described in WAC 220-16-145, except in the following Puget

Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(a) Areas 20A, 21A, 21B, 23A, and 23B - Open April 15 through November 30.

(b) Areas 23C and 23D - Open December 1 through April 14.

(c) All other areas are closed the entire year, except by permit from the director.

(2) Licensing: A bottomfish pot fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 75.08.080, 98-05-043, § 220-48-071, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-48-071, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-48-071, filed 3/27/84; 82-24-080 (Order 82-215), § 220-48-071, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-071, filed 7/1/82.]

## Chapter 220-49 WAC PUGET SOUND COMMERCIAL FORAGE FISH

### WAC

220-49-005	Puget Sound forage fish—Definitions—General provisions.
220-49-011	Herring, anchovy and smelt fishing—Lawful gear—Drag seine.
220-49-012	Herring, anchovy and smelt fishing—Purse seine.
220-49-013	Herring, anchovy and smelt fishing—Dip bag net.
220-49-014	Herring, anchovy and smelt fishing—Lampara.
220-49-017	Herring, anchovy and smelt fishing—Otter trawl and gill net.
220-49-020	Herring and anchovy—Seasons—Lawful gear—Purposes.
220-49-021	Smelt and herring for zoo food.
220-49-023	Herring reporting.
220-49-024	Herring, anchovy and pilchard fishing—Live boxes—Identification.
220-49-056	Smelt fishing—Seasons.
220-49-057	Smelt fishing—Weekly periods.
220-49-063	Spawn on kelp licenses (SOK license)—Applications.
220-49-064	Spawn on kelp license (SOK license) contract conditions.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-49-001	Herring, candlefish, anchovy and pilchard fishing—Area 1. [Order 1105, § 220-49-001, filed 12/28/73.] Repealed by Order 76-148, filed 12/2/76.
220-49-002	Herring, candlefish, anchovy and pilchard fishing—Area 2. [Order 1105, § 220-49-002, filed 12/28/73.] Repealed by Order 76-148, filed 12/2/76.
220-49-003	Herring, candlefish, anchovy and pilchard fishing—Area 3. [Order 1105, § 220-49-003, filed 12/28/73.] Repealed by Order 76-148, filed 12/2/76.
220-49-004	Herring, candlefish, anchovy and pilchard fishing—Area 4. [Order 1105, § 220-49-004, filed 12/28/73.] Repealed by Order 76-148, filed 12/2/76.
220-49-015	Herring, candlefish, anchovy and pilchard fishing—Brush weir. [Order 1105, § 220-49-015, filed 12/28/73.] Repealed by 94-12-009 (Order 94-23), filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 75.08.080.
220-49-016	Herring, candlefish, anchovy and pilchard fishing—Gill net. [Order 76-148, § 220-49-016, filed 12/2/76; Order 1105, § 220-49-016, filed 12/28/73.] Repealed by 94-12-009 (Order 94-23), filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 75.08.080.
220-49-022	Herring, candlefish, anchovy and pilchard fishing—Special provisions—Closed areas. [Statutory Authority: RCW 75.08.080, 81-02-053 (Order 81-3), § 220-49-022, filed 1/7/81; 79-03-014 (Order 79-11), § 220-49-022, filed 2/15/79; Order 76-148, § 220-49-022, filed 12/2/76; Order 1105, § 220-49-022, filed 12/28/73.] Repealed by 94-12-009 (Order 94-23), filed 5/19/94,

effective 6/19/94. Statutory Authority: RCW 75.08.080.

220-49-025	Herring, candlefish, anchovy, and pilchard fishing—Identification—Herring fishing vessel. [Order 76-148, § 220-49-025, filed 12/2/76; Order 76-26, § 220-49-025, filed 1:45 p.m., 4/20/76.] Repealed by 94-12-009 (Order 94-23), filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 75.08.080.
220-49-026	Herring, candlefish, anchovy, and pilchard fishing—Identification—Herring buyer. [Order 76-148, § 220-49-026, filed 12/2/76; Order 76-26, § 220-49-026, filed 1:45 p.m., 4/20/76.] Repealed by 94-12-009 (Order 94-23), filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 75.08.080.
220-49-040	Smelt fishing—Area 1. [Order 1105, § 220-49-040, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-041	Smelt fishing—Area 2. [Order 1105, § 220-49-041, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-042	Smelt fishing—Area 3. [Order 1105, § 220-49-042, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-043	Smelt fishing—Area 4. [Order 1105, § 220-49-043, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-044	Smelt fishing—Area 5. [Order 1105, § 220-49-044, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-045	Smelt fishing—Area 6. [Order 1105, § 220-49-045, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-046	Smelt fishing—Area 7. [Order 1105, § 220-49-046, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-047	Smelt fishing—Area 8. [Order 1105, § 220-49-047, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-048	Smelt fishing—Area 9. [Order 1105, § 220-49-048, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-049	Smelt fishing—Area 10. [Order 1105, § 220-49-049, filed 12/28/73.] Repealed by Order 76-158, filed 12/29/76.
220-49-055	Smelt fishing—Lawful gear. [Order 1105, § 220-49-055, filed 12/28/73.] Repealed by 94-12-009 (Order 94-23), filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 75.08.080.
220-49-060	Perch fishing—Season. [Order 1105, § 220-49-060, filed 12/28/73.] Repealed by Order 77-147, filed 12/16/77.
220-49-061	Perch fishing—Lawful gear. [Order 1105, § 220-49-061, filed 12/28/73.] Repealed by Order 77-147, filed 12/16/77.
220-49-062	Perch fishing—Incidental catch. [Order 1105, § 220-49-062, filed 12/28/73.] Repealed by Order 77-147, filed 12/16/77.

**WAC 220-49-005 Puget Sound forage fish—Definitions—General provisions.** (1) It is unlawful to fish for or possess Puget Sound forage fish taken for commercial purposes except at the times, during the seasons and using the gear provided for in this chapter.

(2) It is unlawful to fish for or possess candlefish taken for commercial purposes.

[Statutory Authority: RCW 75.08.080, 98-05-043, § 220-49-005, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-005, filed 5/19/94, effective 6/19/94.]

**WAC 220-49-011 Herring, anchovy and smelt fishing—Lawful gear—Drag seine.** (1) Lawful drag seine gear in the Puget Sound herring, anchovy and smelt fisheries shall not exceed 350 feet in length or contain meshes less than 1/2 inch stretch measure.

## (2) Licensing:

(a) A food fish drag seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain smelt and anchovy.

(b) A herring drag seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

[Statutory Authority: RCW 75.08.080. 98-05-043, § 220-49-011, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-011, filed 5/19/94, effective 6/19/94; Order 1105, § 220-49-011, filed 12/28/73.]

**WAC 220-49-012 Herring, anchovy and smelt fishing—Purse seine.** (1) Lawful purse seine gear in the Puget Sound herring and anchovy fisheries shall not exceed 600 feet in length or contain meshes less than 1/2-inch stretch measure unless otherwise authorized by permit from the director.

(2) Lawful purse seine gear in the Puget Sound smelt fishery shall not exceed 350 feet in length nor contain meshes less than 1/2 inch stretch measure.

## (3) Licensing:

(a) A baitfish purse seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain smelt and anchovy.

(b) A herring purse seine fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

[Statutory Authority: RCW 75.08.080. 98-05-043, § 220-49-012, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-012, filed 5/19/94, effective 6/19/94; Order 76-148, § 220-49-012, filed 12/2/76; Order 1105, § 220-49-012, filed 12/28/73.]

**WAC 220-49-013 Herring, anchovy and smelt fishing—Dip bag net.** (1) Lawful dip bag net gear in the Puget Sound herring and anchovy fisheries shall not exceed 18 square feet. Lawful dip bag net gear in the Puget Sound smelt fishery shall not exceed 36 inches across the frame. It is unlawful to operate a dip net from a vessel under power, and it is unlawful to operate more than one dip net at one time.

## (2) Licensing:

(a) A smelt dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain smelt and anchovy.

(b) A herring dip bag net fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

[Statutory Authority: RCW 77.12.047. 02-08-026 (Order 02-66), § 220-49-013, filed 3/27/02, effective 4/27/02. Statutory Authority: RCW 75.08.080. 98-05-043, § 220-49-013, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-013, filed 5/19/94, effective 6/19/94; Order 1105, § 220-49-013, filed 12/28/73.]

**WAC 220-49-014 Herring, anchovy and smelt fishing—Lampara.** (1) Lawful lampara gear in the Puget Sound herring and anchovy fisheries shall not exceed 200 feet in length or contain meshes less than 1/2-inch stretch measure. Lampara gear is not lawful gear for taking smelt in Puget Sound.

## (2) Licensing:

(a) A baitfish lampara fishery license is a license required to operate the gear provided for in this section and allows the operator to retain anchovy.

[Title 220 WAC—p. 84]

(b) A herring lampara fishery license is a license required to operate the gear provided for in this section and allows the operator to retain herring.

[Statutory Authority: RCW 75.08.080. 98-05-043, § 220-49-014, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-014, filed 5/19/94, effective 6/19/94; Order 77-14, § 220-49-014, filed 4/15/77; Order 1105, § 220-49-014, filed 12/28/73.]

**WAC 220-49-017 Herring, anchovy and smelt fishing—Otter trawl and gill net.** (1) It is unlawful to fish for herring, anchovy or smelt using otter trawl gear or gill net gear except as authorized by permit issued by the director.

(2) Licensing: The permit issued by the director will specify the fishery license required to operate the permit.

[Statutory Authority: RCW 75.08.080. 98-05-043, § 220-49-017, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-017, filed 5/19/94, effective 6/19/94; 89-14-010 (Order 89-48), § 220-49-017, filed 6/22/89; Order 1105, § 220-49-017, filed 12/28/73.]

**WAC 220-49-020 Herring and anchovy—Seasons—Lawful gear—Purposes.** It shall be unlawful to take, fish for or possess for commercial purposes herring or anchovy in Puget Sound except during lawful seasons, with lawful gear and for such purposes as provided for hereinafter in each respective fishing area:

## (1) Area 20A.

(a) Closed September 1 through May 31 to all commercial fishing gear except for the spawn on kelp fishery as provided for in WAC 220-49-063.

(b) Closed June 1 through August 31 to all commercial fishing.

(2) It is unlawful to use purse seine gear in any Puget Sound area except 23A, 23B, 23C, 23D, and 29. Areas 23A, 23B, 23C, 23D and 29 are open to purse seine gear only during seasons set by emergency rule.

(3) All other Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas - Open entire year with drag seine, lampara, and dip bag net for human consumption or bait only except for closures set out in subsections (4), (5) and (6) of this section.

(4) The following areas are closed the entire year to all gear:

Areas 20B, 21A, 21B, 22A, 22B, 25A, and 25E.

(5) The following areas are closed from January 16 through April 15, except to dip bag net gear:

(a) Area 24A except for a year-round closure in Swinomish Channel in those waters between the bridge spanning the channel south of La Conner and a line perpendicular to the channel at the northeast end of the La Conner boat basin, 24B, and 24D.

(b) Waters of Area 25C south of a line from Tala Point to Foulweather Bluff.

(c) Area 25D.

(d) Waters of Area 26B west of a line from Point Monroe to Point Jefferson.

(e) Area 26C.

(f) Waters of Area 26D north of a line from Neill Point to Piner Point.

(g) Areas 27A, 27B and 27 C are closed year-round.

(2007 Ed.)

(h) Waters of Area 28A west of a line projected true north-south through Treble Point on Anderson Island, including Henderson Inlet.

(i) Waters of Area 28B west of a line projected true north from Penrose Point, including Mayo Cove and Von Geldern Cove.

(j) All contiguous waters of Area 28D north and east of a line projected from Dofflemeyer Point through Cooper Point to landfall on the west shore of Eld Inlet, including Totten Inlet, Hammersley Inlet and Oakland Bay.

[Statutory Authority: RCW 77.12.047, 04-17-098 (Order 04-218), § 220-49-020, filed 8/17/04, effective 9/17/04; 01-02-058 (Order 00-263), § 220-49-020, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080, 99-17-067 (Order 99-127), § 220-49-020, filed 8/13/99, effective 9/13/99; 98-05-043, § 220-49-020, filed 2/11/98, effective 3/14/98; 95-23-020 (Order 95-166), § 220-49-020, filed 11/8/95, effective 12/9/95; 94-12-009 (Order 94-23), § 220-49-020, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-49-020, filed 3/27/84; 83-24-024 (Order 83-200), § 220-49-020, filed 11/30/83, effective 1/1/84; 83-04-025 (Order 83-04), § 220-49-020, filed 1/27/83; 79-03-014 (Order 79-11), § 220-49-020, filed 2/15/79; Order 76-148, § 220-49-020, filed 12/2/76; Order 1105, § 220-49-020, filed 12/28/73.]

#### **WAC 220-49-021 Smelt and herring for zoo food. (1)**

It is unlawful to take, fish for or possess smelt or herring for any purpose except human consumption or fishing bait, except that the director may authorize by permit the taking of smelt or herring in specified areas, quantities and times for emergency use as zoo food for animals. Application for a zoo food permit requires written certification from the zoo director that no other source of smelt or herring is available and the shortage of suitable zoo food will damage the health or well-being of zoo animals.

(2) Licensing: The permit issued by the director will specify the fishery license required to operate the permit.

[Statutory Authority: RCW 75.08.080, 98-05-043, § 220-49-021, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-021, filed 5/19/94, effective 6/19/94; Order 76-148, § 220-49-021, filed 12/2/76; Order 1193, § 220-49-021, filed 3/4/75; Order 1105, § 220-49-021, filed 12/28/73.]

#### **WAC 220-49-023 Herring reporting. (1) Herring fish-**

**ers:**

(a) All commercial herring fishers are required to obtain a department-issued herring reporting monthly logbook, and, pursuant to this section, enter the required information and remit the department's copies of the monthly logs.

(b) It is unlawful for the operator of the harvest vessel to fail to keep the logbook aboard the vessel while the vessel is engaged in herring fishing or has herring onboard. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(c) It is unlawful for any vessel operator engaged in herring fishing to fail to submit the department's copy of each month's log in which fishing activity occurs within ten days of the end of the month, as evidenced by the mailing date on the envelope or the fax date, except that the operator may submit all logs of monthly activity prior to the month in which fishing activity commences at one time, and, when fishing activity terminates for the year may submit the logs for the remainder of the year at one time. Harvest logs must be submitted in ascending consecutive order of log serial numbers. The logs are required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La

(2007 Ed.)

Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a misdemeanor, punishable under RCW 77.15.280.

(d) Herring vessel operators responsible for submitting logs to the department must maintain the fisher's copy of all logs for one year, and have them available for inspection. It is unlawful for the vessel operator to fail to submit harvest logs for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

(e) It is unlawful for vessel operators engaged in commercial herring fishing or possessing herring, to fail to permanently and legibly record in ink the following information within the following time constraints:

(i) Before each vessel trip, record the operator name, operator phone number, license holder name, the department issued registration number, date of fishing trip.

(ii) Immediately after the completion of each set, and prior to making a new set, record the set number, set start time, Marine Fish-Shellfish Catch Area, nearest landmark type, gear type, and weight in pounds of herring retained.

(iii) Immediately after each landing of fish, record the fish receiving ticket serial number and the names of the receivers of fish landed or pen number delivered to if the vessel operator also holds a wholesale fish dealer license and is acting in the capacity of an original receiver. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(2) Herring baitfish processors:

(a) It is unlawful for original receivers who sell herring as baitfish to fail to report by January 15th of each year the total number of dozens of herring sold the previous year. The report must be made on a department supplied herring baitfish report form, and must report sales by size class. The form is required to be mailed to: Department of Fish and Wildlife, Marine Resources, P.O. Box 1100, La Conner, WA 98257, or faxed to 360-466-0515. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(b) Herring processors responsible for submitting herring baitfish report forms must maintain the processor's copy of the form for one year, and have it available for inspection. It is unlawful for the processor to fail to submit herring baitfish report forms for inspection upon request by fish and wildlife officers or authorized department marine fish-shellfish program employee. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.360.

[Statutory Authority: RCW 77.12.047, 04-17-089 (Order 04-219), § 220-49-023, filed 8/16/04, effective 9/16/04. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-49-023, filed 5/19/94, effective 6/19/94; 83-24-024 (Order 83-200), § 220-49-023, filed 11/30/83, effective 1/1/84; 81-02-053 (Order 81-3), § 220-49-023, filed 1/7/81; Order 77-147, § 220-49-023, filed 12/16/77; Order 77-14, § 220-49-023, filed 4/15/77; Order 76-148, § 220-49-023, filed 12/2/76; Order 1193, § 220-49-023, filed 3/4/75; Order 1105, § 220-49-023, filed 12/28/73.]

**WAC 220-49-024 Herring, anchovy and pilchard fishing—Live boxes—Identification.** All herring, anchovy and pilchard live boxes or other devices for holding live bait shall have attached thereto the fishery license number of the owner in plainly legible letters not less than 3 inches in height, clearly visible above the waterline. In the case of

licensed dealers the dealer's license number shall be displayed as described above. It shall be unlawful to fail to identify live boxes as prescribed in this section.

[Statutory Authority: RCW 75.08.080, 98-05-043, § 220-49-024, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-024, filed 5/19/94, effective 6/19/94; Order 1105, § 220-49-024, filed 12/28/73.]

**WAC 220-49-056 Smelt fishing—Seasons.** It shall be unlawful to take, fish for or possess smelt for commercial purposes in Puget Sound except during the following seasons:

- (1) Areas 20A and 21A - July 1 to April 15.
- (2) Area 22B - November 1 to April 15.
- (3) Areas 24A, 24B, 24C, and 24D - July 1 to April 15.
- (4) Areas 25A and 25E - November 1 to April 15.
- (5) Areas 26B, 26C, 26D, 28B, and 28C - October 1 to April 15 except those waters within 200 feet of shore adjacent to department property at Ross Point in Area 26C are closed to commercial smelt harvest at all times, and those waters of Sinclair Inlet west of a line due south from the ferry dock in Bremerton are open only 8:01 a.m. Wednesday through 7:59 a.m. Friday of each week during the open period.
- (6) Areas 27A, 27B and 27C - Closed year-round.
- (7) Areas 28A and 28D - September 1 to April 15.
- (8) All other areas open the entire year.

[Statutory Authority: RCW 77.12.047, 04-17-098 (Order 04-218), § 220-49-056, filed 8/17/04, effective 9/17/04; 02-08-026 (Order 02-66), § 220-49-056, filed 3/27/02, effective 4/27/02. Statutory Authority: RCW 75.08.080, 98-05-043, § 220-49-056, filed 2/11/98, effective 3/14/98; 94-12-009 (Order 94-23), § 220-49-056, filed 5/19/94, effective 6/19/94; 91-13-051 (Order 91-39), § 220-49-056, filed 6/14/91, effective 7/15/91; 83-24-024 (Order 83-200), § 220-49-056, filed 11/30/83, effective 1/1/84; 83-04-025 (Order 83-04), § 220-49-056, filed 1/27/83; Order 76-148, § 220-49-056, filed 12/2/76; Order 76-26, § 220-49-056, filed 1:45 p.m., 4/20/76; Order 1105, § 220-49-056, filed 12/28/73.]

**WAC 220-49-057 Smelt fishing—Weekly periods.** It is unlawful to fish for smelt for commercial purposes in Puget Sound except from 8:00 a.m. Sunday to 8:00 a.m. Friday and it is unlawful to possess smelt taken for commercial purposes during such closed period.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-49-057, filed 5/19/94, effective 6/19/94; Order 1105, § 220-49-057, filed 12/28/73.]

**WAC 220-49-063 Spawn on kelp licenses (SOK license)—Applications.** (1) Any herring fisher holding a herring fishery license under RCW 75.30.140 may participate in an auction for a spawn on kelp license (SOK license). Proof of current herring licensing must be presented before entering the auction. No more than one SOK license will be awarded to each herring license holder.

(2) The department shall offer SOK licenses under the following conditions:

(a) The department shall establish a minimum acceptable bid for each license.

(b) Licenses shall be offered by sealed bidding at auction. The license will be awarded to the bidder with the highest bid. In the event of tie bids, the tie breaker will be by coin toss.

(c) Each SOK license shall be auctioned separately. Each bidder for a license must submit a certified check equal to the

minimum acceptable bid prior to the bidding as a down payment on the winning bid price.

(d) Bidding by proxy is allowed, provided the proxy holder has a power of attorney for the herring license holder represented.

(e) The successful bidder for a SOK license is required to sign and return to the department a copy of the SOK license within 10 days after the award of a license together with the balance of the bid amount. Failure to return the license and bid balance will invalidate the award of the license and result in forfeiture of the deposit in the amount necessary to compensate the department for any damages. In such case the license shall be offered to the other bidders in descending order of their bid amount.

(f) If the license fails to be sold as described in (c) or (e) of this subsection, the license may be offered to any person possessing a herring license who offers the largest amount within a specified time period.

(g) The department may revoke the SOK license for non-compliance with the terms of the license. In case of license revocation, the bid amount shall be retained by the department.

(3) Licensing:

(a) Herring dip bag net, herring drag seine, herring lampara and herring purse seine licenses are licenses required to operate the respective gear and retain herring for the spawn on kelp fishery.

(b) A spawn on kelp fishery license is the license issued to a successful bidder and allows the holder to participate in the spawn on kelp fishery.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-49-063, filed 5/19/94, effective 6/19/94; 91-05-016 (Order 91-08), § 220-49-063, filed 2/8/91, effective 3/11/91. Statutory Authority: RCW 75.08.080 and 75.28.245, 90-07-003 (Order 90-17), § 220-49-063, filed 3/8/90, effective 4/8/90.]

**WAC 220-49-064 Spawn on kelp license (SOK license) contract conditions.** (1) Spawn on kelp license (SOK license) contracts shall protect the environment, prevent waste, ensure compliance with applicable laws and regulations, and ensure faithful performance of lease terms and conditions.

(2) SOK licensees shall not sell any spawn on kelp to anyone who is not a licensed wholesale dealer, except that the licensee may be a licensed wholesale dealer, and, after completing a state of Washington fish receiving ticket, may sell the spawn on kelp to someone who is not a wholesale dealer.

(3) SOK licenses are transferrable only in the case of hardship and then only to any person holding a herring fishery license except the SOK license is not transferable to a person currently holding a SOK license. The transfer shall be made on a form provided by the department, and the transferee shall be subject to the same terms and conditions of the original SOK license. For purposes of this section, hardship means death or disablement of the licensee or loss of the licensee's vessel through no fault of the licensee.

(4) Every SOK licensee may surrender the SOK license and shall be relieved of any obligation under the license except as otherwise provided. The licensee must notify the department in writing of intention to surrender the license. If operations under the license have been conducted, the lic-

ensee shall correct any adverse environmental effects caused by the operations, including but not limited to, release of any entrapped herring, removal of any herring enclosure, and placement of any herring spawn upon habitat suitable for hatch and release of herring fry. If the license is surrendered, the department will retain the amount of the bid.

(5) The SOK license shall provide for revocation for noncompliance with the terms of the license. Grounds for revocation for noncompliance shall include, but not be limited to, failure to provide catch records as required, failure to provide required data on fishing and harvesting related activities, and failure to notify the department of anticipated times of fishing and harvesting. The SOK licensee shall be notified, in writing, of noncompliance, the necessary corrective measures and the amount of time allowed to take corrective action. The licensee's remedying of the noncompliance within the specified time shall result in no revocation of the license. The licensee may appeal any cancellation under chapter 34.05 RCW.

(6) The SOK license contract shall allow the SOK licensee to conduct operations reasonably necessary for the production of spawn on kelp. Nothing in this section shall relieve the licensee of any responsibility under applicable laws or regulations.

[Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-49-064, filed 5/19/94, effective 6/19/94. Statutory Authority: 75.08.080 and 75.28.245. 90-07-003 (Order 90-17), § 220-49-064, filed 3/8/90, effective 4/8/90.]

## Chapter 220-52 WAC SHELLFISH

### WAC

220-52-001	Shellfish—Geographical definitions.
220-52-010	Shellfish—Unlawful acts.
220-52-018	Clams—Gear.
220-52-019	Geoduck clams—Gear and unlawful acts.
220-52-01901	Geoduck licenses.
220-52-020	Clams—Commercial harvest.
220-52-030	Clams—Coastal—Seasons and areas.
220-52-035	Commercial shellfish pot gear—Escape mechanism required.
220-52-040	Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.
220-52-043	Commercial crab fishery—Additional gear and license use requirements.
220-52-046	Crab fishery—Seasons and areas.
220-52-050	Ocean pink shrimp trawl fishery—Coastal waters.
220-52-051	Shrimp fishery—Puget Sound.
220-52-060	Crawfish fishery.
220-52-063	Octopus fishery.
220-52-066	Squid fishery.
220-52-068	Scallop fishery—Coastal waters.
220-52-069	Scallop fishery—Puget Sound.
220-52-070	Goose barnacle fishery.
220-52-071	Sea cucumbers.
220-52-073	Sea urchins.
220-52-075	Shellfish harvest logs.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-52-015	Clams—Lawful acts. [Order 807, § 220-52-015, filed 1/2/69, effective 2/1/69; Orders 414, 256, filed 3/1/60.] Repealed by 84-08-014 (Order 84-24), filed 3/27/84. Statutory Authority: RCW 75.08.080.
220-52-053	Shrimp fishery—Seasons—Areas and gear. [Statutory Authority: RCW 75.08.080. 84-08-014 (Order 84-24), § 220-52-053, filed 3/27/84; 83-09-014 (Order 83-24), § 220-52-053, filed 4/12/83; 82-03-045 (Order 82-6), § 220-52-053, filed 1/19/82; 79-02-053 (Order 79-6), §

220-52-053, filed 1/30/79; Order 77-145, § 220-52-053, filed 12/13/77; Order 76-148, § 220-52-053, filed 12/2/76; Order 1242, § 220-52-053, filed 8/7/75, effective 9/16/75; Order 1049, § 220-52-053, filed 4/11/73; Order 1047, § 220-52-053, filed 3/28/73; Order 1045, § 220-52-053, filed 3/8/73; Order 945, § 220-52-053, filed 8/16/71; Order 807, § 220-52-053, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-050 (1), (2), (3), (4) and (7).] Repealed by 87-23-006 (Order 87-187), filed 11/6/87. Statutory Authority: RCW 75.08.080.

220-52-054 Shrimp fishery—Unlawful gear. [Statutory Authority: RCW 75.08.080. 82-03-045 (Order 82-6), § 220-52-054, filed 1/19/82; 80-13-064 (Order 80-123), § 220-52-054, filed 9/17/80.] Repealed by 87-23-006 (Order 87-187), filed 11/6/87. Statutory Authority: RCW 75.08.080.

220-52-072 Sea cucumbers—Areas and seasons. [Statutory Authority: RCW 75.08.080. 87-02-013 (Order 86-199), § 220-52-072, filed 12/30/86.] Repealed by 87-23-006 (Order 87-187), filed 11/6/87. Statutory Authority: RCW 75.08.080.

220-52-074 Sea urchin—Areas and seasons. [Statutory Authority: RCW 75.08.080. 86-20-028 (Order 86-123), § 220-52-074, filed 9/23/86; 85-24-044 (Order 85-189), § 220-52-074, filed 11/27/85; 85-01-010 (Order 84-214), § 220-52-074, filed 12/7/84; 83-04-025 (Order 83-04), § 220-52-074, filed 1/27/83; 80-13-064 (Order 80-123), § 220-52-074, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-074, filed 1/30/79; Order 77-145, § 220-52-074, filed 12/13/77; Order 76-152, § 220-52-074, filed 12/17/76.] Repealed by 87-23-006 (Order 87-187), filed 11/6/87. Statutory Authority: RCW 75.08.080.

**WAC 220-52-001 Shellfish—Geographical definitions.** (1) "Puget Sound" means Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, 23D, 24A, 24B, 24C, 25A, 25B, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, 28D, and 29.

(2) "Grays Harbor" means Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(3) "Willapa Harbor" means Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(4) "Columbia River" means Marine Fish-Shellfish Management and Catch Reporting Area 60D.

(5) "Coastal Waters" means Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, and 60A.

[Statutory Authority: RCW 75.08.080. 84-08-014 (Order 84-24), § 220-52-001, filed 3/27/84.]

**WAC 220-52-010 Shellfish—Unlawful acts.** (1) It is unlawful to take oysters or clams for commercial purposes from tidelands reserved for public use unless authorized by a permit issued by the director.

(2)(a) It is unlawful to take shellfish for commercial purposes from state oyster reserves without permission of the director of fisheries.

(b) Licensing: An oyster reserve fishery license is the license required to take shellfish for commercial purposes from state oyster reserves.

(3) All geoduck and mechanical clam harvester vessels shall be issued an identification number. It is unlawful to fail to place this number in a visible location on each side of the vessel and on the top of the cabin or deck awning to be visible from the air. A sign board or banner arranged so the numbers can be seen at all times from directly overhead may be substituted if the vessel does not have a fixed roof. The numbers



shall be black on a white background and shall be not less than 18 inches high and of proportionate width.

(4) It shall be unlawful for a commercial clam digger to harvest clams from intertidal ground without having on his person a signed authorization from the registered clam farmer for whom he is harvesting. The digger will also be required to have suitable personal identification with him when engaged in clam harvesting. The authorization from the registered clam farmer must be legible, dated and must contain the date on which the authorization expires, provided that in no instance may the authorization go beyond the end of any calendar year. The authorization must additionally contain the name of each bay or area where the registered clam farmer has owned or leased ground from which the named clam digger is authorized to harvest.

(5)(a) It is unlawful to fish for or possess ghost or mud shrimp taken for commercial purposes unless authorized by a permit issued by the director.

(b) Licensing: A burrowing shrimp fishery license is the license required to take ghost or mud shrimp for commercial purposes.

(6) It is unlawful to set any shellfish pot gear such that the pot is not covered by water at all tide levels.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-010, filed 5/19/94, effective 6/19/94; 88-12-025 (Order 88-28), § 220-52-010, filed 5/25/88, effective 8/22/88. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-52-010, filed 9/12/86. Statutory Authority: RCW 75.08.080, 84-08-014 (Order 84-24), § 220-52-010, filed 3/27/84; Order 77-145, § 220-52-010, filed 12/13/77; Order 1258, § 220-52-010, filed 8/25/75; Order 857, § 220-52-010, filed 12/11/69; Order 807, § 220-52-010, filed 1/2/69, effective 2/1/69; subsections 1, 3-5, Orders 414, 256, filed 3/1/60; subsection 2, Orders 443, 256, filed 3/1/60.]

**WAC 220-52-018 Clams—Gear.** It shall be unlawful to take, dig for or possess clams, geoducks, or mussels taken for commercial purposes from any of the tidelands in the state of Washington except with a pick, mattock, fork or shovel operated by hand, except:

(1) Permits for the use of mechanical clam digging devices to take clams other than geoducks may be obtained from the director of fisheries subject to the following conditions:

(a) Any or all types of mechanical devices used in the taking or harvesting of shellfish must be approved by the director of fisheries.

(b) A separate permit shall be required for each and every device and the permit shall be attached to the specific unit at all times.

(c) All types of clams to be taken for commercial use must be of legal size and in season during the proposed operations unless otherwise provided in specially authorized permits for the transplanting of seed to growing areas or for research purposes.

(d) The holder of a permit to take shellfish from tidelands by mechanical means shall limit operations to privately owned or leased land.

(e) The taking of clams from bottoms under navigable water below the level of mean lower low water by any mechanical device shall be prohibited except as authorized by the director of fisheries. Within the enclosed bays and channels of Puget Sound, Strait of Juan de Fuca, Grays Harbor and Willapa Harbor, the operators of all mechanical

devices shall confine their operations to bottoms leased from the Washington department of natural resources, subject to the approval of the director of fisheries. The harvesting of shellfish from bottoms of the Pacific Ocean westward from the western shores of the state shall not be carried out in waters less than two fathoms deep at mean lower low water. In said waters more than two fathoms deep the director of fisheries may reserve all or certain areas thereof and prevent the taking of shellfish in any quantity from such reserves established on the ocean bottoms.

(f) Noncompliance with any part of these regulations or with special requirements of individual permits will result in immediate cancellation of and/or subsequent nonrenewal of all permits held by the operator.

(g) Applications must be made on the forms provided by the department of fisheries and permits must be in the possession of the operator before digging commences.

(h) All permits to take or harvest shellfish by mechanical means shall expire on December 31 of the year of issue.

(i) All mechanical clam harvesting machines must have approved instrumentation that will provide deck readout of water pressure.

(j) All clam harvest machines operating on intertidal grounds where less than ten percent of the substrate material is above 500 microns in size must be equipped with a propeller guard suitable for reducing the average propeller wash velocity at the end of the guard to approximately twenty-five percent of the average propeller wash velocity at the propeller. The propeller guard must also be positioned to provide an upward deflection to propeller wash.

(k) Clam harvest machines operating in fine substrate material where less than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 3 feet (overall) and the maximum pump volume as specified by the department of fisheries commensurate with the basic hydraulic relationship of 828 gpm at 30 pounds per square inch, pressure to be measured at the pump discharge.

(l) Clam harvest machines operating in coarser substrate material where more than ten percent of the substrate material is above 500 microns in size, shall have a maximum harvest head width of 4 feet (overall) and a maximum pump volume as specified by the department of fisheries commensurate with a basic hydraulic relationship of 1,252 gpm at 45 pounds per square inch, pressure to be measured at the pump discharge.

(m) All clam harvest machine operators must submit accurate performance data showing revolutions per minute, gallons per minute, and output pressure for the water pump on their machine. In addition, they shall furnish the number and sizes of the hydraulic jets on the machines. If needed, the operator shall thereafter modify the machine (install a sealed pressure relief valve) as specified by the department of fisheries to conform with values set forth in either WAC 220-52-018 (11) or (12) of this section. Thereafter, it shall be illegal to make unauthorized changes to the clam harvester water pump or the hydraulic jets. Exact description of the pump volume, maximum pressure and number and size of the hydraulic jet for each harvester machine shall be included in the department of fisheries' clam harvest permit.

(n) All clam harvest machines shall be equipped with a 3/4-inch pipe thread tap and valve that will allow rapid coupling of a pressure gauge for periodic testing by enforcement personnel.

(o) Each mechanical clam harvester must have controls so arranged and situated near the operator which will allow the operator to immediately cut off the flow of water to the jet manifold without affecting the capability of the vessel to maneuver.

(p) Licensing: A hardshell clam mechanical harvester fishery license is the license required to operate the mechanical harvester gear provided for in this section.

(2) Aquatic farmers may harvest geoducks that are private sector cultured aquatic product by means of water pumps and nozzles.

(3) Persons may harvest nonstate tideland wild geoducks under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit by means of water pumps and nozzles.

[Statutory Authority: RCW 77.12.047, 06-04-015 (Order 06-08), § 220-52-018, filed 1/22/06, effective 2/22/06. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-018, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-52-018, filed 3/27/84; 79-02-053 (Order 79-6), § 220-52-018, filed 1/30/79; Order 76-152, § 220-52-018, filed 12/17/76; Order 1258, § 220-52-018, filed 8/25/75; Order 807, § 220-52-018, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-010(2).]

**WAC 220-52-019 Geoduck clams—Gear and unlawful acts.** (1) It is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the beds of navigable waters of the state of Washington except as provided in RCW 75.24.100 and rules of the director.

(2)(a) Only a manually operated water jet, the nozzle of which shall not exceed 5/8 inch inside diameter may be used to commercially harvest geoduck clams. Use of any other gear requires a permit from the director.

(b) It is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

(3) It is unlawful to take or fish for geoduck clams taken for commercial purposes between one-half hour before official sunset or 7:00 p.m. whichever is earlier and 7:00 a.m. No geoduck harvest vessel may be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m. It is unlawful to take or fish for geoduck clams on Sundays or on state holidays as defined by the office of financial management. It is unlawful to possess geoduck clams taken in violation of this section.

(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck clam aboard a geoduck harvest vessel, except when a geoduck is incidentally damaged during harvest and must be reported under a department of natural resources harvest agreement.

(6) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax* and *Tresus nuttallii*) when horse clam harvest is provided for under a department of natural resources harvest agreement.

(7) It is unlawful for more than two divers from any one geoduck harvest vessel to be in the water at any one time.

(8) The following documents must be on board the geoduck harvesting vessel at all times during geoduck operations:

(a) A copy of the department of natural resources geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by the department of natural resources for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck fishery license as described in WAC 220-52-01901.

(9) It is unlawful to process geoducks on board any harvest vessel.

(10) It is unlawful to take or fish for geoduck clams for commercial purposes outside the tract or harvest area designated in the department of natural resources geoduck harvesting agreement required by subsection (8)(a) of this section. It is unlawful to possess geoduck clams taken in violation of this subsection.

(11) It is unlawful to harvest geoduck clams in areas deeper than seventy feet below mean lower low water (0.0 ft.).

(12) Holders of geoduck fishery licenses shall comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. Some of those regulations appear at 29 C.F.R. Part 1910, Subpart T.

[Statutory Authority: RCW 77.12.047, 06-17-056 (Order 06-197), § 220-52-019, filed 8/10/06, effective 9/10/06; 03-10-008 (Order 03-81), § 220-52-019, filed 4/25/03, effective 5/26/03. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-019, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-019, filed 7/14/93, effective 8/14/93; 84-08-014 (Order 84-24), § 220-52-019, filed 3/27/84; 81-11-006 (Order 81-31), § 220-52-019, filed 5/11/81; 79-12-039 (Order 79-129), § 220-52-019, filed 11/20/79; 79-02-053 (Order 79-6), § 220-52-019, filed 1/30/79; Order 77-65, § 220-52-019, filed 8/5/77 and 8/25/77; Order 76-152, § 220-52-019, filed 12/17/76; Order 76-26, § 220-52-019, filed 1:45 p.m., 4/20/76; Order 1258, § 220-52-019, filed 8/25/75; Order 857, § 220-52-019, filed 12/11/69.]

**WAC 220-52-01901 Geoduck licenses.** (1) A geoduck fishery license issued by the director is required for the commercial harvest of geoduck clams. Geoduck fishery licenses were previously called "geoduck validations."

(2) Only persons holding current geoduck harvest agreements from the department of natural resources or their agents may apply for geoduck fishery licenses. An application for a geoduck fishery license must be on a form provided by the department, must be complete, and must be accompanied by a copy of the geoduck harvest agreement for which the license is sought.

(3) Each geoduck fishery license authorizes the use of two water jets or other units of geoduck harvest gear. Gear must meet the requirements of WAC 220-52-019(2). A geoduck fishery license card is a "license card" under WAC 220-69-270.

(4) The director may suspend or revoke a geoduck license used in violation of commercial diving safety regulations, including 29 C.F.R. Part 1910, Subpart T, adopted under the Occupational Safety and Health Act of 1970. The procedures of chapter 34.05 RCW apply to such suspensions or revocations. If there is a substantial probability that a violation of commercial diving safety regulations could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the director may suspend the license immediately until the violation has been corrected. The director shall not revoke a geoduck license if the holder of the harvesting agreement corrects the violation within ten days of receiving written notice of the violation.

[Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-52-01901, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-01901, filed 7/14/93, effective 8/14/93; 84-08-014 (Order 84-24), § 220-52-01901, filed 3/27/84; 80-13-064 (Order 80-123), § 220-52-01901, filed 9/17/80; 79-12-039 (Order 79-129), § 220-52-01901, filed 11/20/79; Order 77-65, § 220-52-01901, filed 8/5/77 and 8/25/77.]

**WAC 220-52-020 Clams—Commercial harvest.** It shall be unlawful to take, dig for or possess clams except razor clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or from nonstate tidelands under a nonstate lands commercial wild clam, mussel and oyster trial fishery permit.

[Statutory Authority: RCW 77.12.047. 06-17-058 (Order 06-200), § 220-52-020, filed 8/10/06, effective 9/10/06; 06-04-015 (Order 06-08), § 220-52-020, filed 1/22/06, effective 2/22/06; 03-16-099 (Order 03-176), § 220-52-020, filed 8/6/03, effective 9/6/03; 01-02-059 (Order 00-264), § 220-52-020, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-52-020, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-020, filed 4/23/91, effective 5/24/91; 84-08-014 (Order 84-24), § 220-52-020, filed 3/27/84; Order 807, § 220-52-020, filed 1/2/69, effective 2/1/69; subsections 1 and 2 from Order 679, filed 4/20/66; subsections 1, 1a, 2 from Orders 351 and 256, filed 3/1/60; subsection 1b from Order 605, filed 4/21/64; Orders 443 and 256, filed 3/1/60.]

**WAC 220-52-030 Clams—Coastal—Seasons and areas.** (1)(a) It shall be lawful to take, dig for or possess clams, cockles, borers and mussels taken for commercial purposes, not including razor clams, from the tidelands of registered aquaculture farms in Grays Harbor and Willapa Harbor the entire year.

(b) Licensing: No fishery license is required to retain clams taken from registered aquaculture farms but registration is required prior to commercial harvest.

(2)(a) It shall be unlawful to take, dig for or possess razor clams taken for commercial purposes from Washington waters except during commercial razor clam seasons opened by emergency rule.

(b) Licensing: A razor clam fishery license is the license required to take, dig for or possess razor clams for commercial purposes.

[Statutory Authority: RCW 77.12.047. 05-05-027 (Order 05-17), § 220-52-030, filed 2/10/05, effective 3/13/05. Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-52-030, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-030, filed 4/23/91, effective 5/24/91; 84-08-014 (Order 84-24), § 220-52-030, filed 3/27/84; Order 807, § 220-52-030, filed 1/2/69, effective 2/1/69; Order 770 B, § 220-52-030, filed 2/15/68; Order 718, § 1, filed 1/26/67; subsection 1 from Order 679, filed 4/20/66; Orders 443 and 256, filed 3/1/60; subsection 2 from Order 673, filed 1/24/66; Order 631, filed 1/13/65; Order 599, filed 1/29/64; Order 566, filed 2/8/63; Order 540, filed 1/15/62; Order 524, filed 2/6/61; Order 510, filed 7/8/60;

Order 508, filed 4/29/60; Order 506, filed 3/16/60; Orders 482 and 256, filed 3/1/60; subsection 3 from Order 673, filed 1/24/66; Order 599, filed 1/29/64; Orders 499 and 256, filed 3/1/60; subsection 4 from Order 599, filed 1/29/64; Order 567, filed 2/15/63; Order 524, filed 2/6/61; Order 506, filed 3/16/60; Orders 482 and 256, filed 3/1/60; subsection 5 from Order 673, filed 1/24/66.]

**WAC 220-52-035 Commercial shellfish pot gear—Escape mechanism required.** It is unlawful to fish for or possess crab, shrimp, or crawfish taken for commercial purposes with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(1) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated cotton twine or other natural fiber no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(2) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated cotton twine or other natural fiber no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

[Statutory Authority: RCW 77.12.047. 06-07-044 (Order 06-38), § 220-52-035, filed 3/9/06, effective 4/9/06; 03-16-097 (Order 03-180), § 220-52-035, filed 8/6/03, effective 9/6/03. Statutory Authority: RCW 75.08.080. 87-23-006 (Order 87-187), § 220-52-035, filed 11/6/87.]

**WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.** (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with the net gear or when it has other food fish or shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful opening. Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

(3) **Crabs must be male and 6-1/4 inches.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(4) **Each person and each Puget Sound license limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designat-

ing and using the licenses from one vessel as authorized by RCW 77.65.130.

(5) **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.

(6) **Groundline gear is unlawful.** No crab pot or ring net may be attached or connected to other crab pot or ring net by a common groundline or any other means that connects crab pots together.

(7) **Crab buoys and pots tagging requirements.**

(a) It is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab buoy or crab pot without attached buoy and pot tags that meets the requirements of this subsection.

(b) Coastal crab pot tags: Each shellfish pot used in the coastal Dungeness crab fishery must bear a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person.

(c) Puget Sound crab pot tags: In Puget Sound, all crab pots must have a durable, nonbiodegradable tag securely attached to the pot and permanently and legibly marked with the license owner's name or license number, and telephone number. If the tag information is illegible, or if the tag is lost for any reason, the pot is not in compliance with law.

(d) Crab buoy tags: The department will issue crab pot buoy tags to the owner of each commercial crab fishery license upon payment of an annual buoy tag fee of seventy cents per crab pot buoy tag. Prior to setting gear, each Puget Sound crab license holder must purchase 100 tags, and each coastal crab fisher must purchase 300 or 500 tags, depending on the crab pot limit assigned to the license. Only department-issued crab buoy tags may be used, and each crab pot is required to have a buoy tag.

(e) Puget Sound replacement crab buoy tags: Additional tags to replace lost tags will only be issued to owners of Puget Sound commercial crab fishery licenses who obtain, complete, and sign a declaration under penalty of perjury in the presence of an authorized department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.

(f) Coastal replacement crab buoy tags: Coastal crab license holders with a 300 pot limit will be able to replace up to fifteen lost tags by January 15th, up to a total of thirty lost tags by February 15th, and up to a total of forty-five lost tags after March 15th of each season. Coastal crab license holders with a 500 pot limit will be able to replace up to twenty-five lost tags by January 15th, up to a total of fifty lost tags by February 15th, and up to a total of seventy-five lost tags after March 15th of each season. In the case of extraordinary loss of crab pot gear, the department may, on a case-by-case basis, issue replacement tags in excess of the amount set out in this subsection. Replacement buoy tags for the coastal crab fishery will only be issued after a signed affidavit is received by the department.

(8) **No person can possess or use gear with other person's crab pot tag or crab buoy tag.** No person may possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, or any buoy not bearing tags issued by the department to that person, except that an alternate operator designated on a primary license may possess and operate crab buoys and crab pots bearing the tags of the license holder.

(9) **Cannot tamper with pot tags.** No person shall remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the person's own buoys and pots.

(10) **Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(11) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

(12) **Coastal crab pot limit.**

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a shellfish pot limit has been assigned to the Dungeness crab-coastal fishery license held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.

(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy shellfish pots unless the person is in possession of valid documentation issued by the department that specifies the shellfish pot limit assigned to the license.

**(13) Determination of coastal crab pot limits.**

(a) The number of shellfish pots assigned to a Washington Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, that show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria shall be used to determine and assign a shellfish pot limit to a Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997, from December 1, 1997, through September 15, 1998, and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a shellfish pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a shellfish pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A shellfish pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license shall be assigned more than one shellfish pot limit.

**(14) Appeals of coastal crab pot limits.** An appeal of a shellfish pot limit by a coastal commercial license holder shall be filed with the department on or before October 18, 2001. The shellfish pot limit assigned to a license by the department shall remain in effect until such time as the appeal process is concluded.

**(15) Coastal - Barging of crab pots by undesignated vessels.** It is lawful for a vessel not designated on a Dungeness crab-coastal fishery license to be used to deploy shellfish pot gear provided that:

(a) Such a vessel may not carry aboard more than 150 shellfish pots at any one time.

(b) Such a vessel may deploy shellfish pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.

(c) The lawful owner of the shellfish pot gear must be aboard the vessel when the gear is being deployed.

**(16) Coastal crab buoys - Registration and use of buoy brands and colors.**

(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one license state shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph.

(b) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

[Statutory Authority: RCW 77.12.047, 05-21-068 (Order 05-246), § 220-52-040, filed 10/14/05, effective 11/14/05; 01-20-066 (Order 01-219), § 220-52-040, filed 9/28/01, effective 10/29/01; 01-18-005 (Order 01-180), § 220-52-040, filed 8/22/01, effective 9/22/01; 01-11-009 (Order 01-74), § 220-52-040, filed 5/3/01, effective 6/3/01; 00-18-005 (Order 00-164), § 220-52-040, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080, 98-19-012 (Order 98-185), § 220-52-040, filed 9/4/98, effective 10/5/98; 98-05-043, § 220-52-040, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-52-040, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-040, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-040, filed 4/23/91, effective 5/24/91; 85-01-010 (Order 84-214), § 220-52-040, filed 12/7/84; 84-08-014 (Order 84-24), § 220-52-040, filed 3/27/84; 83-01-026 (Order 82-221), § 220-52-040, filed 12/8/82; 80-13-064 (Order 80-123), § 220-52-040, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-040, filed 1/30/79; Order 77-145, § 220-52-040, filed 12/13/77; Order 76-152, § 220-52-040, filed 12/17/76; Order 76-26, § 220-52-040, filed 1:45 p.m., 4/20/76; Order 1045, § 220-52-040, filed 3/8/73; Order 807, § 220-52-040, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6, from Orders 409 and 256, filed 3/1/60; subsection 2 from Orders 500 and 256, filed 3/1/60; subsection 3 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Order 507, filed 4/8/60; Orders 409 and 256, filed 3/1/60; subsection 4 from Order 528, filed 6/1/61; Order 525, filed 5/3/61; Orders 409 and 256, filed 3/1/60; subsection 7 from Orders 414 and 256, filed 3/1/60; subsection 8 from Orders 410 and 256, filed 3/1/60; subsection 9 from Order 409, filed 9/14/56.]

**WAC 220-52-043 Commercial crab fishery—Additional gear and license use requirements. (1) Commercial gear limited to pots and ring nets.** It shall be unlawful to take or fish for crabs for commercial purposes except with shellfish pots and ring nets.

**(2) Commercial gear escape rings and ports defined.** It shall be unlawful to use or operate any shellfish pot gear in the commercial Dungeness crab fishery unless such gear meets the following requirements:

(a) Pot gear must have not less than two escape rings or ports not less than 4-1/4 inches inside diameter.

(b) Escape rings or ports described above must be located in the upper half of the trap.

**(3) Commercial crab gear buoy tag requirements.**

(a) In coastal waters each crab pot must have the department-issued buoy tag securely attached to the first buoy on the crab pot buoy line (the buoy closest to the crab pot), and

the buoy tag must be attached to the end of that buoy, at the end away from the crab pot buoy line.

(b) In Puget Sound all crab buoys must have the buoy tag issued to the license owner by the department attached to the outermost end of the buoy line.

(c) If more than one buoy is attached to a pot, only one buoy tag is required.

(4) **Puget Sound - Description of lawful buoys.** All buoys attached to commercial crab gear in Puget Sound waters must consist of a durable material and remain floating on the water's surface when five pounds of weight is attached. It is unlawful to use bleach or antifreeze bottles or any other container as a float. All buoys fished under a single license must be marked in a uniform manner using one buoy brand number registered by the license holder with the department and be of identical color or color combinations. No buoys attached to commercial crab gear in Puget Sound may be both red and white in color unless a minimum of thirty percent of the surface of each buoy is also prominently marked with an additional color or colors other than red or white, as the red and white colors are reserved for personal use crab gear as described in WAC 220-56-320 (1)(c).

(5) **Commercial crab license requirements.** In addition to, and separate from, all requirements in this chapter that govern the time, area, gear, and method for crab fishing, landing, possession, or delivery of crabs, no commercial crab fishing is allowed except when properly licensed. A person may take, fish for, land, or deliver crabs for commercial purposes in Washington or coastal waters only when the person has the license required by statute, or when the person is a properly designated alternative operator to a valid license. For Puget Sound, a person must have a "Dungeness crab - Puget Sound" fishery license provided by RCW 77.65.130. For coastal waters, such person must have a "Dungeness crab - Coastal" fishery license provided by RCW 77.65.130. To use ring nets instead of or in addition to pots, then the licensee must also have the "Crab ring net - Puget Sound" or "Crab ring net - non-Puget Sound" license in RCW 77.65.-130. Qualifications for the limited entry licenses, requirements for designating vessels, and use of alternate operators is provided by and controlled by chapters 77.65 and 77.70 RCW.

(6) **Maximum size for commercial crab pots.** It is unlawful to commercially fish a crab pot greater than thirteen cubic feet in volume used to fish for or take Dungeness crab from state or offshore waters.

(7) **Incidental catch may not be retained.** It is unlawful to retain salmon, food fish, or any shellfish other than octopus that is taken incidental to any crab fishing.

[Statutory Authority: RCW 77.12.047, 06-17-058 (Order 06-200), § 220-52-043, filed 8/10/06, effective 9/10/06; 06-01-013 (Order 05-275), § 220-52-043, filed 12/9/05, effective 1/9/06; 05-21-068 (Order 05-246), § 220-52-043, filed 10/14/05, effective 11/14/05; 01-18-005 (Order 01-180), § 220-52-043, filed 8/22/01, effective 9/22/01; 00-18-005 (Order 00-164), § 220-52-043, filed 8/23/00, effective 9/23/00. Statutory Authority: RCW 75.08.080, 98-19-012 (Order 98-185), § 220-52-043, filed 9/4/98, effective 10/5/98; 94-12-009 (Order 94-23), § 220-52-043, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-043, filed 7/14/93, effective 8/14/93; 84-08-014 (Order 84-24), § 220-52-043, filed 3/27/84; 79-02-053 (Order 79-6), § 220-52-043, filed 1/30/79; Order 77-145, § 220-52-043, filed 12/13/77; Order 1179, § 220-52-043, filed 11/19/74; Order 807, § 220-52-043, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040(1).]

(2007 Ed.)

#### **WAC 220-52-046 Crab fishery—Seasons and areas.**

"Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crabs for commercial purposes, and shall include the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after 8:00 a.m. October 1st, from one-half hour before sunrise to one-half hour after sunset, except as provided by other subsections below.

(2) For purposes of crab harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (Catch Areas) are modified as follows:

(a) Catch Area 26A-E shall include those waters of Puget Sound south of a line from Sandy Point (on Whidbey Island) to Camano Head and from Camano Head to the north tip of Gedney Island, and from the southern tip of Gedney Island east to the mainland, and north and east of a line that extends from Possession Point to the shipwreck located .8 nautical miles north of Picnic Point.

(b) Catch Area 26A-W shall include those waters of Puget Sound south and east of a line from Foulweather Bluff to Double Bluff, and northerly of a line from Apple Cove Point to Point Edwards, and south and west of a line that extends from Possession Point to the shipwreck located .8 nautical miles north of Picnic Point.

(3) The following areas are closed to commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the abandoned dock at the Three Crabs Restaurant.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(4) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed October 1 through October 31 and March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 15.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-W in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47°58.782'N, 122°30.840'W) projected 110 degrees true to the boulder on shore (47°57.690'N, 122°26.742'W) are closed from October 1 through October 15.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31, and March 1 through April 15 of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass are closed October 1 through October 31 and March 1 through April 15.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A-E east of a line that extends true north from the green No. 1 buoy at Possession Point and west of a line from the green No. 1 buoy at Possession Point northward along the 200-foot depth contour to the Glendale Dock are closed October 1 through October 15.

(5) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Area 25E south of a line from Contractors Point to Tukey Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy north of Ust-alady Point, thence to Brown Point on the northeast corner of Ust-alady Bay.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from the point at the southern end of Honeymoon Bay (48°03.047'N, 122°32.306'W) to the point just north of Beverly Beach.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from the #3 buoy southward to the oil boom pier on the shoreline.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Point Williams to Fish Point in waters shallower than 60 feet in depth.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A inside of Chuckanut Bay east of a line projected north from Governor's Point to the east side of Chuckanut Island thence to Chuckanut Rock thence to the most southerly tip of Clark's Point.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection with Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands intersecting Lopez Island at either end.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected easterly from the northern end of the eastern most oil dock at March Point to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore and following the shoreline to the point of origin.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Cornet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island.

(n) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 20B which includes all waters of Prevost Harbor between Stuart Island and Satellite Island southwest of a line from Charles Point on Stuart Island to the northwest tip of Satellite Island and southwest of a line projected 120 degrees true from the southeast end of Satellite Island to Stuart Island.

(o) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in East Sound north of a line from the southern point of Judd Bay on the west to Giffin Rocks on the east.

(6) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28.



However, the department may delay opening of the coastal crab fishery due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed, except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states, except that it is unlawful for the holder of a Washington state Dungeness crab coastal fishery license to fish for or possess Dungeness crab taken in waters north of 41°59'47"N. Lat. and south of 46°15'00"N. Lat. unless the holder also holds the licenses or permits needed to commercially fish for Dungeness crab within the state waters of Oregon.

[Statutory Authority: RCW 77.12.047, 06-08-064 (Order 06-58), § 220-52-046, filed 3/31/06, effective 5/1/06; 06-01-013 (Order 05-275), § 220-52-046, filed 12/9/05, effective 1/9/06; 01-11-009 (Order 01-74), § 220-52-046, filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 75.08.080, 99-10-062 (Order 99-59), § 220-52-046, filed 5/3/99, effective 6/3/99; 98-19-012 (Order 98-185), § 220-52-046, filed 9/4/98, effective 10/5/98; 98-05-043, § 220-52-046, filed 2/11/98, effective 3/14/98; 97-08-052 (Order 97-55), § 220-52-046, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-046, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-046, filed 7/14/93, effective 8/14/93; 91-10-024 (Order 91-22), § 220-52-046, filed 4/23/91, effective 5/24/91; 87-05-038 (Order 87-08), § 220-52-046, filed 2/18/87; 85-01-010 (Order 84-214), § 220-52-046, filed 12/7/84; 84-08-014 (Order 84-24), § 220-52-046, filed 3/27/84; 83-01-026 (Order 82-221), § 220-52-046, filed 12/8/82; 80-13-064 (Order 80-123), § 220-52-046, filed 9/17/80; Order 76-152, § 220-52-046, filed 12/17/76; Order 1179, § 220-52-046, filed 11/19/74; Order 1112, § 220-52-046, filed 4/15/74; Order 1057, § 220-52-046, filed 5/22/73; Order 920, § 220-52-046, filed 5/13/71; Order 807, § 220-52-046, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-040 (2), (3), (4) and (9).]

**WAC 220-52-050 Ocean pink shrimp trawl fishery—Coastal waters.** It is unlawful to fish for, possess or deliver ocean pink shrimp taken for commercial purposes from the waters of the Exclusive Economic Zone except as provided for in this section:

(1) Ocean pink shrimp fishery:

(a) The open season for trawl gear is April 1 through October 31 of each year.

(b) The following gear is prohibited: Trawl gear having a net mesh size greater than two inches in the intermediate or codend, except for net mesh used in fish excluder devices. It is lawful to have net mesh larger than two inches in the wings or body of the trawl.

(c) It is unlawful to fish with trawl gear for pink shrimp for commercial purposes unless an approved by-catch reduction device is used in each net. Approved by-catch reductions devices are:

(i) Soft Panel By-catch Reduction Device which uses a mesh panel to guide fish out of an escape hole. An approved soft-panel must meet the following criteria:

(A) The panel must completely cover some portion of the net in cross-section, meaning it must extend completely across the full opening of the net in one continuous piece. The panel must be securely fastened to the net around the entire perimeter, such that a 110 mm diameter sphere cannot pass beyond the panel into the terminal end of the codend;

(B) The panel meshes must be constructed of netting material with individual meshes no larger than 5.5 inches, measured between opposing knots and must be constructed of a single panel of continuous netting, without zippers or other devices designed to allow disabling of the panel such that large fish can pass back into the codend;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the mesh panel and must begin within four meshes of the furthest aft point of attachment of the mesh panel to the net;

(ii) Nordmore Grate By-catch Reduction Device uses a rigid panel of narrowly spaced vertical bars to guide fish out of an escape hole in front of the panel, generally in the top of the net. An approved Nordmore grate must meet the following criteria:

(A) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net, such that there is no space between the panel and the net that will allow a 110 mm sphere to pass beyond the panel, into the terminal area of the codend;

(B) None of the openings between the vertical bars in the rigid panel may exceed two inches in width;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the rigid panel and must begin within four meshes of the furthest aft point of attachment of the rigid panel to the net.

(d) All by-catch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of an authorized agent of the state. No trawl gear may be removed from the vessel prior to offloading of shrimp.

(e) It is unlawful to modify by-catch reduction devices in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the by-catch reduction device to measure shrimp loss. Authorized testing of by-catch reduction devices must meet the following criteria:

(i) Testing is allowed by special permit only, consistent with the terms and conditions of the permit;

(ii) For vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled by-catch reduction device, the other net must be fishing a fully functional by-catch reduction device as described in (c) of this subsection.

(f) Minimum number of shrimp per pound: The count per pound must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound of each of whole unbroken



shrimp taken at random from throughout the individual load landed or in possession. This shall apply only to loads of 3,000 pounds of shrimp or more.

(g) Incidental catch-finfish: It is unlawful to take salmon incidental to any shrimp fishery. It is unlawful to retain any bottomfish species taken incidental to shrimp trawl fishery except as provided for in WAC 220-44-050.

(h) Incidental catch-shellfish:

(i) It is unlawful to retain any species of shellfish except that it is lawful to retain up to 50 pounds round weight of other shrimp species taken incidentally in the ocean pink shrimp fishery, or octopus or squid.

(ii) It is unlawful to fish for ocean pink shrimp within the territorial boundaries of the state.

(i) An ocean pink shrimp delivery license is the license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in the waters of the Exclusive Economic Zone.

(2) Fisheries for shrimp species other than ocean pink shrimp or ocean spot shrimp: Species other than ocean pink shrimp and ocean spot shrimp may only be taken incidentally to the ocean pink shrimp and ocean spot shrimp fisheries.

[Statutory Authority: RCW 77.12.047, 03-05-060 (Order 03-30), § 220-52-050, filed 2/18/03, effective 3/21/03; 00-17-145 (Order 00-165), § 220-52-050, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080, 99-01-154 (Order 98-257), § 220-52-050, filed 12/22/98, effective 1/22/99; 94-12-009 (Order 94-23), § 220-52-050, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-050, filed 7/14/93, effective 8/14/93; 87-23-006 (Order 87-187), § 220-52-050, filed 11/6/87; 84-08-014 (Order 84-24), § 220-52-050, filed 3/27/84; 83-04-025 (Order 83-04), § 220-52-050, filed 1/27/83; 82-03-045 (Order 82-6), § 220-52-050, filed 1/19/82; 80-13-064 (Order 80-123), § 220-52-050, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-050, filed 1/30/79; Order 76-152, § 220-52-050, filed 12/17/76; Order 76-26, § 220-52-050, filed 1:45 p.m., 4/20/76; Order 1242, § 220-52-050, filed 8/7/75, effective 9/16/75; Order 1179, § 220-52-050, filed 11/19/74; Order 1112, § 220-52-050, filed 4/15/74; Order 945, § 220-52-050, filed 8/16/71; Order 807, § 220-52-050, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6 from Orders 414 and 256, filed 3/1/60; subsection 2 from Orders 420 and 256, filed 3/1/60; subsection 3 from Order 525, filed 5/3/61; Orders 414 and 256, filed 3/1/60; subsection 7 from Order 525, filed 5/3/61.]

#### **WAC 220-52-051 Shrimp fishery—Puget Sound. (1)**

A Puget Sound shrimp pot license or a Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp pot licenses and Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule:

(a) Gear restrictions -

(i) In all areas, maximum 100 pots per fisher except for dual licensees as provided for in RCW 77.70.410.

(ii) In all areas:

(A) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(B) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.

(D) It is unlawful to set or pull shrimp pot gear from one hour after official sunset to one hour before official sunrise.

(b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

(c) Area restrictions:

(i) Pot gear closed in all Puget Sound Shrimp Districts except the Port Townsend Shrimp District.

(ii) Pot gear closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule:

(a) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(b) It is unlawful to retain spot shrimp.

(c) Area restrictions:

(i) Shrimp trawl fishing closed in all Puget Sound Shrimp Districts.

(ii) Shrimp trawl fishing closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(e) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(f) The following restrictions apply to shrimp beam trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(g) It is unlawful to operate shrimp beam trawl gear in Puget Sound from one hour after official sunset to one hour before official sunrise.

(4) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer, or if transferred at sea, without transfer to a licensed wholesale dealer. A fisher who is a licensed wholesale dealer may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

(5) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Man-

agement and Catch Reporting Areas (catch areas) are modified as follows:

(a) That portion of Catch Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Catch Area 23A.

(b) Catch Area 23A is divided into four subareas:

(i) 23A-E (east) is those waters of Catch Area 23A east of 122°57'W. Long. and north of 48°22.5'N. Lat.

(ii) 23A-W (west) is those waters of Catch Area 23A west of 122°57'W. Long. and north of 48°22.5'N. Lat.

(iii) 23A-C (central) is those waters of Catch Area 23 south of 48°22.5'N. Lat. and east of a line projected 335° true from the Dungeness lighthouse.

(iv) 23A-S (south) is those waters of Catch Area 23A west of a line projected 335° true from the Dungeness lighthouse.

(c) Catch Area 26A is divided into two subareas:

(i) 26A-E (east) is those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(ii) 26A-W (west) is those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(d) Catch Area 26B is divided into two subareas:

(i) 26B-1 is those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point.

(ii) 26B-2 is those waters easterly of a line projected from West Point to Alki Point.

(6) For purpose of shrimp trawl harvest allocation and catch reporting, 23A East is that portion of Catch Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Catch Area 23A, west of the line described herein.

(7) The following areas are defined as Puget Sound Shrimp Management Areas:

(a) Shrimp Management Area 1A: Waters of Catch Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A west of a line projected true north and south from the western tip of Crane Island, west of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island.

(b) Shrimp Management Area 1B: Waters of Catch Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island, east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and east of a line projected true south from Point Colville, and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(2007 Ed.)

(c) Shrimp Management Area 1C: Waters of Catch Areas 20A, 21B, 22B, and waters of Catch Area 21A not included in Management Area 1B.

(d) Shrimp Management Area 2E: Waters of Catch Areas 24A, 24B, 24C, 24D, and 26A-E (east).

(e) Shrimp Management Area 2W: Waters of Catch Areas 25B, 25C, 25D, and 26A-W (west).

(f) Shrimp Management Area 3: Waters of Catch Areas 23A, 23B, 23C, 23D, 25A, 25E, and 29.

(g) Shrimp Management Area 4: Waters of Catch Areas 26B and 26C.

(h) Shrimp Management Area 5: Waters of Catch Areas 27A, 27B, and 27C.

(i) Shrimp Management Area 6: Waters of Catch Areas 26D, 28A, 28B, 28C, and 28D.

(8) In Shrimp Management Areas 1A, 1B and 1C, all catch must be reported by Management Area and Catch Area combined, either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, 1C-20A, 1C-21A, 1C-21B, or 1C-22B.

[Statutory Authority: RCW 77.12.047, 06-01-013 (Order 05-275), § 220-52-051, filed 12/9/05, effective 1/9/06; 03-05-064 (Order 03-28), § 220-52-051, filed 2/18/03, effective 3/21/03; 02-01-068, § 220-52-051, filed 12/14/01, effective 1/14/02; 01-03-016 (Order 00-271), § 220-52-051, filed 1/5/01, effective 2/5/01. Statutory Authority: RCW 74.08.080 and 1999 c 239, 00-01-124 (Order 99-217), § 220-52-051, filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 75.28.740 and 75.30.220, 94-07-092 (Order 94-14), § 220-52-051, filed 3/17/94, effective 4/17/94. Statutory Authority: RCW 75.08.080, 93-15-051, § 220-52-051, filed 7/14/93, effective 8/14/93; 91-18-030 (Order 91-73), § 220-52-051, filed 8/28/91, effective 9/28/91; 87-23-006 (Order 87-187), § 220-52-051, filed 11/6/87.]

**WAC 220-52-060 Crawfish fishery.** It is unlawful to fish for or possess crawfish taken for commercial purposes except as provided for in this section:

(1) General crawfish provisions:

(a) Crawfish may not be taken for commercial purposes with gear other than shellfish pots and no person may fish more than 400 pots.

(b) The open season for commercial crawfish fishing is first Monday in May through October 31, except in Washington waters of the Columbia River downstream from the mouth of the Walla Walla River crawfish may be taken from April 1 through October 31.

(c) The minimum commercial crawfish size is 3-1/4 inches in length from the tip of the rostrum (nose) to the tip of the tail and all undersize crawfish and female crawfish with eggs or young attached to the abdomen must be immediately returned unharmed to the waters from which taken. Fishermen must sort and return illegal crawfish to the waters from which taken immediately after the crawfish are removed from the shellfish pot and prior to lifting additional pots from the water.

(d) Fishermen may not discard into any water of the state any crawfish bait.

(e) Crawfish fishing is not allowed within 1/4 mile of the shoreline of developed parks.

(f) The provisions of this section do not apply to the commercial culture of crawfish at a registered aquatic farm.

(2) It is unlawful to fish for crawfish for commercial purposes in the following waters:

**Clallam**

Anderson Lake  
Crescent Lake

**Clark**

Battleground Lake

**Cowlitz**

Merrill Lake

**Grant**

Deep Lake  
Potholes Res.  
Coulee Lake  
Soap Lakes  
Sun Lakes

**Grays Harbor**

Sylvia Lake

**Island**

Cranberry Lake

**Jefferson**

Anderson Lake

**King**

Cedar Lake  
Elbow Lake  
Green Lake  
Green River  
Margaret Lake  
Sammamish Lake  
Sammamish River  
Sammamish Slough  
Walsh Lake

**Kittitas**

Easton Lake

**Klickitat**

Horsethief Lake  
Roland Lake

**Lewis**

Mineral Lake

**Okanogan**

Alta Lake  
Buffalo Lake  
Campbell Lake  
Conconully Lake  
Conconully Res.  
Crawfish Lake  
Omak Lake  
Osoyoos Lake  
Pearrygin Lake

**Pacific**

Middle Nemah River  
North Nemah River  
Smith Creek

**Pend Oreille**

Browns Lake (on Brown Cr)  
Calispell Lake  
Cooks Lake  
Conklin Lake  
Davis Lake  
Half Moon Lake  
Mystic Lake  
No Name Lake  
Shearer Lake  
Vanee Lake

**Pierce**

Clear Lake  
Spanaway Lake  
Steilacoom Lake  
Wapato Lake

**Skagit**

Beaver Lake  
Caskey Lake  
Cranberry Lake  
Everett Lake  
Minkler Lake  
Pass Lake  
Sixteen Lake  
Whistle Lake

**Skamania**

Goose Lake  
Mosquito Lake  
South Prairie Lake  
Stump (Tunnel) Lake

**Snohomish**

Ballinger Lake  
Chaplain Lake  
Flowing Lake  
Goodwin Lake  
Ki Lake  
Martha Lake  
Pass Lake  
Roesiger Lake  
Serene Lake  
Shoecraft Lake  
Silver Lake  
Stevens Lake  
Stickney Lake  
Storm Lake

**Thurston**

Deep Lake  
Hicks Lake  
Long Lake  
Patterson Lake

Summit Lake  
Ward Lake

**Whatcom**

Budd Lake  
Bug Lake  
Caine Lake  
Fishtrap Creek  
Johnson Creek  
Padden Lake  
Toad or Emerald Lake

(3) It is lawful for an individual fisherman to fish for crawfish in the waters set out below with up to the number of pots shown.

Name of Lake, River, or Slough	County	Max. Pots Allowed
Alder Lake (Res.)	Pierce/Thurston	200
Aldwell Lake (Res.)	Clallam	100
Alkali Lake	Grant	100
Bachelor Slough	Clark	100
Baker Lake	Whatcom	200
Banks Lake	Grant	200
Big Lake	Skagit	200
Black Lake	Thurston	200
Blue Lake	Grant	200
Bonaparte Lake	Okanogan	100
Buckmire Slough	Clark	100
Camas Slough	Clark	100
Campbell Lake	Skagit	100
Cassidy Lake	Snohomish	100
Cavanaugh Lake	Skagit	200
Chehalis River	Lewis/Grays Harbor	100
Chelan Lake	Chelan	200
Clear Lake	Skagit	100
Coal Creek Slough	Cowlitz	100
Columbia River	Clark, Cowlitz, etc.	200
Copalis River	Grays Harbor, etc.	100
Cowlitz River	Clark, Cowlitz, etc.	100
Curlew Lake	Ferry	200
Cushman Lake #1	Clark	100
Deep River	Wahkiakum	100
Deschutes River	Thurston	100
Diablo Lake	Whatcom	200
Drano Lake	Skamania	100
Elochoman River	Wahkiakum	100
Erie Lake	Skagit	100
Evergreen Reservoir	Grant	100
Fisher Island Slough	Cowlitz	100
Goose Lake (upper)	Grant	100
Grays River	Pacific	100
Harts Lake	Pierce	100
Hoquiam River	Grays Harbor	100
Humptulips River	Grays Harbor	100
John's River	Grays Harbor	100
Kapowsin Lake	Pierce	200
Kalama River	Cowlitz, etc.	100
Klickitat	Klickitat	100
Lackamas Lake (Res.)	Clark	100
Lake River	Clark	100
Lawrence Lake	Thurston	100
Lenore Lake	Grant	200
Lewis River	Clark/Cowlitz	100
Loomis Lake	Pacific	100
Mayfield Lake	Lewis	200
McIntosh Lake	Thurston	100
McMurray Lake	Skagit	100
Merwin Lake	Clark/Cowlitz	200
Moses Lake	Grant	200
Naselle River	Pacific, etc.	100
Nisqually River	Pierce, etc.	100
Nooksack River	Whatcom	100

Name of Lake, River, or Slough	County	Max. Pots Allowed
North River	Grays Harbor	100
Palmer Lake	Okanogan	100
Patterson Lake (Res.)	Okanogan	100
Portage Bay	King	100
Rattlesnake Lake	King	100
Ross Lake (Res.)	Whatcom	200
Salmon Lake	Okanogan	100
Satsop River	Grays Harbor	100
Shannon Lake (Res.)	Skagit	200
Sidley Lake	Okanogan	100
Silver Lake	Pierce	100
Silver Lake	Cowlitz	200
Skagit River	Skagit/Whatcom	200
Skamokawa River	Wahkiakum	100
Snake River	Franklin/Walla Walla	200
Snohomish River	Snohomish	100
St. Clair Lake	Thurston	100
Swift Lake (Res.)	Skamania	200
Terrell Lake	Whatcom	100
Toutle River	Cowlitz	100
Union Lake	King	200
Vancouver Lake	Clark	200
Warden Lake	Grant	100
Washington Lake	King	200
Washougal River	Clark/Skamania	100
Whitestone Lake	Okanogan	100
Willapa River	Pacific	100
Wiser Lake	Whatcom	100
Wind River	Cowlitz	100
Wishkah River	Grays Harbor	100
Woodland Slough	Clark	100
Wynoochee River	Grays Harbor	100
Yakima River	Kittitas	100
Yale Lake (Res.)	Clark/Cowlitz	200

(4) Commercial crawfish harvest permits will be issued to prescribe the number of allowable crawfish pots per fisherman per body of water in suitable crawfish harvest sites not listed in subsections (2) and (3) of this section as follows:

(a) Under 20 acres - no commercial harvest.

(b) 20 acres to 100 acres - 50 pots.

(c) 101 acres to 400 acres - 100 pots.

(d) Over 400 acres - 200 pots.

(e) Permits will be issued only in waters where fishing will not conflict with high density residential or recreational areas, and no permit will be issued where developed parks encompass more than one-half of the water shoreline.

(f) The department of fisheries shall fix the maximum number of pots to be permitted in any given body of water. Once the permitted maximum number of pots for any given body of water has been reached, no further permits will be issued. Permits will be issued on a first-come, first-serve basis consistent with all other regulations concerning issuance of commercial crawfish harvest permits.

(5) Licensing: A shellfish pot fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-060, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-060, filed 4/23/91, effective 5/24/91; 87-23-006 (Order 87-187), § 220-52-060, filed 11/6/87. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-52-060, filed 9/12/86. Statutory Authority: RCW 75.08.080, 80-13-064 (Order 80-123), § 220-52-060, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-060, filed 1/30/79; Order 76-26, § 220-52-060, filed 1:45 p.m., 4/20/76; Order 945, § 220-52-060, filed 8/16/71; Order 807, § 220-52-060, filed 1/2/69, effective 2/1/69; subsections 1-7, Orders 414 and 256, filed 3/1/60.]

**WAC 220-52-063 Octopus fishery.** It shall be unlawful to possess octopus for commercial purposes except octopus taken incidentally to any lawful bottom fish or shellfish fishery, except that it shall be unlawful for divers to take octopus for commercial purposes except as authorized by permit issued by the director for display or scientific purposes.

[Statutory Authority: RCW 77.12.047, 01-02-057 (Order 00-262), § 220-52-063, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-063, filed 5/19/94, effective 6/19/94; 87-15-022 (Order 87-69), § 220-52-063, filed 7/8/87; 84-08-014 (Order 84-24), § 220-52-063, filed 3/27/84; 80-13-064 (Order 80-123), § 220-52-063, filed 9/17/80; Order 807, § 220-52-063, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-060 (2), (3) and (4).]

**WAC 220-52-066 Squid fishery.** (1) It is lawful at any time to take or fish for squid for commercial purposes with drag seine gear not exceeding 350 feet in length and having meshes of not less than 1-1/4 inches stretch measure, dip bag net, brail, and squid jigging gear. Dip bag net and brail may not exceed 10 feet in diameter nor have a mesh less than one inch stretch measure. Other gear may be used to fish for squid commercially if authorized by a permit issued by the director.

(2) Food fish, other shellfish except octopus, and squid eggs caught while fishing for squid must be returned to the water immediately. It is lawful to retain for commercial purposes squid taken incidentally to another commercial fishery.

(3) Each vessel fishing for squid may use a lighting system with a combined power of not more than 10 kilowatts (10,000 watts). Lights of 200 watts or greater must be shielded and may not be directed to any point more than 100 feet from the vessel while fishing for or attracting squid.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town.

(5) Licensing: A squid fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-066, filed 5/19/94, effective 6/19/94; 84-08-014 (Order 84-24), § 220-52-066, filed 3/27/84; 80-13-064 (Order 80-123), § 220-52-066, filed 9/17/80; Order 807, § 220-52-066, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-060 (5) and (6).]

**WAC 220-52-068 Scallop fishery—Coastal waters.** It is unlawful to fish for or possess scallops taken for commercial purposes from the waters of the Exclusive Economic Zone except as provided for in this section.

(1) Season: July 1 through November 30 in the waters of the Exclusive Economic Zone. It is unlawful to trawl for scallops in Washington territorial waters west of the Bonilla-Tatoosh line or in Marine Fish-Shellfish Management and Catch Reporting Area 29.

(2) Gear: Only scallop dredge gear may be used. Scallop dredge gear may not exceed fifteen feet in width per unit of gear and must have three inch or larger net mesh or rings throughout. Scallop dredges may not use a dredge liner nor have chaffing gear covering any portion of the top half of the dredge.

(3) Licensing: A shrimp trawl—non-Puget Sound fishery license is the license required to operate the gear provided for in this section.

(4) Incidental catch: It is unlawful to retain food fish or shellfish taken incidentally to any lawful scallop fishery, except that it is lawful to retain octopus and squid.

[Statutory Authority: RCW 77.12.047, 00-17-145 (Order 00-165), § 220-52-068, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-068, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-068, filed 7/14/93, effective 8/14/93.]

**WAC 220-52-069 Scallop fishery—Puget Sound.** It is unlawful to fish for or possess scallops taken for commercial purposes from Puget Sound except as provided for in this section:

(1)(a) Rock scallops and weathervane scallops. It is unlawful at any time to take or possess rock or weathervane scallops taken for commercial purposes from Puget Sound unless a person has first obtained a scallop brood stock permit issued by the department. The permit will specify the species, location, time, and quantity of scallops that can be taken for brood stock or culture purposes.

(b) Licensing:

(i) A shellfish dive fishery license is a license that allows a permittee to retain rock and weathervane scallops for brood stock purposes.

(ii) Shrimp trawl—Puget Sound and food fish trawl—Puget Sound fishery licenses are licenses that allow a permittee to retain weathervane scallops for brood stock purposes.

(2) Pink scallops and spiny scallops.

(a) General provisions:

(i) Pink and spiny scallops may be harvested from Puget Sound at any time.

(ii) The minimum commercial pink or spiny scallop size is 2 inches in length from the hinge to the outer margin of the shell.

(iii) Persons fishing for pink or spiny scallops must have approval of the Washington state department of health. Scallops may only be taken from areas approved by the department of health and any fisher taking pink or spiny scallops must have on board the harvesting vessel a valid department of health shellfish toxin sampling agreement.

(iv) No other shellfish except octopus and squid or food fish may be retained while scallop fishing or possessed aboard the scallop fishing vessel.

(b) Trawl gear provisions:

(i) Trawlers may only use single beam trawls not exceeding ten feet in width and having mesh size no smaller than two inches in the intermediate portion and cod end of the trawl.

(ii) Trawling for scallops is prohibited in waters less than 120 feet below mean lower low water.

(iii) Trawling for scallops is prohibited in the following areas:

(A) All waters closed to bottomfish trawl in WAC 220-48-015.

(B) Shrimp Districts 1 and 3 as defined in WAC 220-52-051.

(C) Sea Urchin Districts 1 and 2 closed waters defined in WAC 220-52-073 (1)(a)(i), (ii), and (1)(b)(ii).

(iv) Licensing: A food fish trawl—Puget Sound fishery license is the license required to operate the gear provided for in this section.

(c) Shellfish diver gear provisions:

(i) Diving for scallops is prohibited in Sea Urchin Districts 1 and 2 closed waters as defined in WAC 220-52-073 (1)(a)(i), (ii), (1)(b)(i), and (ii).

(ii) Licensing: A shellfish dive fishery license is the license required to take scallops with shellfish diver gear.

[Statutory Authority: RCW 77.12.047, 00-17-108 (Order 00-153), § 220-52-069, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-069, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-069, filed 7/14/93, effective 8/14/93; 91-10-024 (Order 91-22), § 220-52-069, filed 4/23/91, effective 5/24/91; 87-15-022 (Order 87-69), § 220-52-069, filed 7/8/87; 86-08-056 (Order 86-14), § 220-52-069, filed 3/28/86; 84-08-014 (Order 84-24), § 220-52-069, filed 3/27/84; 82-03-045 (Order 82-6), § 220-52-069, filed 1/19/82; Order 807, § 220-52-069, filed 1/2/69, effective 2/1/69. Formerly WAC 220-52-060(7).]

**WAC 220-52-070 Goose barnacle fishery.** (1) It is unlawful to take or possess Pacific goose barnacles taken for commercial purposes without having first obtained a permit to do so issued by the director.

(2) Licensing: An emerging commercial fishery license is the license required for a permittee to retain goose barnacles.

[Statutory Authority: RCW 75.08.080, 94-12-009 (Order 94-23), § 220-52-070, filed 5/19/94, effective 6/19/94; 86-24-046 (Order 86-190), § 220-52-070, filed 11/26/86.]

**WAC 220-52-071 Sea cucumbers.** It is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section.

**(1) Sea cucumber districts:**

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B outside of the following closed areas:

(i) San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(ii) Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(b) Sea Cucumber District 2 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29.

(c) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C. The following areas within Sea Cucumber District 3 are closed to the harvest of sea cucumbers:

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to shore on Bainbridge Island.

(ii) Those waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to land-fall directly below the Veteran's Home in Annapolis.

(2007 Ed.)

(d) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(e) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

**(2) Sea cucumber areas and seasons:**

Sea cucumber areas and seasons will be set by emergency rule.

On days open to sea cucumber harvest, it is unlawful to take sea cucumbers from one-half hour before official sunset to 5:59 a.m. the next morning. Violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

**(3) Shellfish diver gear:**

(a) Divers operating from a vessel must have a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportional width. Failure to display these numbers is punishable under RCW 77.15.540, Unlawful use of a commercial fishery license.

(b) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard except that two divers may be in the water if the vessel has been designated on two sea cucumber dive fishery licenses. Violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(c) Divers may not fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board. Violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(d) Licensing: A sea cucumber dive fishery license is the license required to operate the gear provided for in this section.

**(4) Trawl gear:**

It is unlawful to fish for or possess sea cucumbers taken with trawl gear. Violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.12.047, 03-16-098 (Order 03-177), § 220-52-071, filed 8/6/03, effective 9/6/03; 02-17-016 (Order 02-186), § 220-52-071, filed 8/9/02, effective 9/9/02; 01-07-021 (Order 01-40), § 220-52-071, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080, 00-03-042 (Order 00-07), § 220-52-071, filed 1/13/00, effective 2/13/00; 99-17-068 (Order 99-126), § 220-52-071, filed 8/13/99, effective 9/13/99; 94-12-009 (Order 94-23), § 220-52-071, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-071, filed 7/14/93, effective 8/14/93; 91-18-030 (Order 91-73), § 220-52-071, filed 8/28/91, effective 9/28/91; 91-10-024 (Order 91-22), § 220-52-071, filed 4/23/91, effective 5/24/91; 87-23-006 (Order 87-187), § 220-52-071, filed 11/6/87; 87-15-022 (Order 87-69), § 220-52-071, filed 7/8/87; 87-02-013 (Order 86-199), § 220-52-071, filed 12/30/86; 81-11-006 (Order 81-31), § 220-52-071, filed 5/11/81; 79-02-053 (Order 79-6), § 220-52-071, filed 1/30/79; Order 77-145, § 220-52-071, filed 12/13/77; Order 77-65, § 220-52-071, filed 8/5/77; Order 1105, § 220-52-071, filed 12/28/73; Order 990, § 220-52-071, filed 5/11/72.]

**WAC 220-52-073 Sea urchins.** It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

**(1) Sea urchin districts:**

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas 21A, 21B, 22B, 23A, 23B, 25A and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point, along 123°49'30" W. longitude, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point, along 123°49'30" W. longitude, and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

(f) Sea Urchin District 6 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A.

(g) Sea Urchin District 7 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, 26D and 28A. The following areas within Sea Urchin District 7 are closed to the harvest of sea urchins at all times.

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to the shore on Bainbridge Island.

(ii) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to land-fall directly below the Veteran's Home in Annapolis.

**(2) Sea urchin seasons and sizes:**

Sea urchin seasons and sizes will be set by emergency rule.

**(3) Shellfish diver gear:**

(a) It is unlawful to take sea urchins by any means other than shellfish diver gear.

(b) Divers may only use hand-operated equipment that does not penetrate the shell.

(c) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.

(d) Purple sea urchins may not be taken.

(e) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.

(f) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.

(g) No processing of sea urchins is permitted aboard the harvest vessel.

(h) Divers may not take sea urchins for use other than as human food.

(i) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting operation or when commercial quantities of sea urchins are aboard except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(j) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

(k) Licensing: A sea urchin dive fishery license is the license required to operate the gear provided for in this section.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-52-073, filed 8/17/04, effective 9/17/04; 02-17-016 (Order 02-186), § 220-52-073, filed 8/9/02, effective 9/9/02; 01-07-021 (Order 01-40), § 220-52-073, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080, 00-03-042 (Order 00-07), § 220-52-073, filed 1/13/00, effective 2/13/00; 94-12-009 (Order 94-23), § 220-52-073, filed 5/19/94, effective 6/19/94; 91-22-064 (Order 91-132), § 220-52-073, filed 11/1/91, effective 12/2/91; 91-10-024 (Order 91-22), § 220-52-073, filed 4/23/91, effective 5/24/91; 87-23-006 (Order 87-187), § 220-52-073, filed 11/6/87; 87-15-022 (Order 87-69), § 220-52-073, filed 7/8/87; 86-20-028 (Order 86-123), § 220-52-073, filed 9/23/86; 85-01-010 (Order 84-214), § 220-52-073, filed 12/7/84; 83-04-025 (Order 83-04), § 220-52-073, filed 1/27/83; 80-13-064 (Order 80-123), § 220-52-073, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-073, filed 1/30/79; Order 77-145, § 220-52-073, filed 12/13/77; Order 76-152, § 220-52-073, filed 12/17/76; Order 1105, § 220-52-073, filed 12/28/73; Order 990, § 220-52-073, filed 5/11/72.]

**WAC 220-52-075 Shellfish harvest logs.** It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, shrimp other than ocean pink shrimp, squid, or sand shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately maintain the appropriate harvest log available from the Washing-

ton department of fish and wildlife. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp other than ocean pink shrimp, squid, scallops, clams, or sand shrimp aboard. The vessel operator must submit the harvest logs for inspection upon request by authorized department of fish and wildlife representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred, except that commercial sea cucumber harvest logs must be received for each month of the season provided for in WAC 220-52-072 regardless of whether harvest activity occurred during the month, and all shellfish harvesters must submit a log that must be received by the tenth day following the termination of commercial fishing activity showing that shellfish harvest has terminated for the year.

(1) Vessel operators engaged in commercial harvest of shrimp other than Puget Sound shrimp or sand shrimp or crawfish with shellfish pot or ring net gear must record the vessel Washington department of fish and wildlife boat registration number, number of pots or ring nets pulled, date pulled, soak time, and gear location before leaving the catch area where taken, and weights must be recorded upon landing or sale.

(2) Vessel operators engaged in commercial harvest of shrimp other than ocean pink shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location fished, trawl width, Marine Fish-Shellfish Management and Catch Reporting Area, depth fished, latitude and longitude to the nearest hundredth of a minute at the beginning of each tow, tow speed, duration of tow and estimated weight of shrimp of each species caught for each tow before leaving the site where the catch was taken or before commencing a new tow, whichever occurs first.

It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. Harvest logs must be maintained and submitted in ascending consecutive order of harvest log serial numbers. Harvest logs must be submitted for each month in which fishing activity occurs and must be received by the department within ten days following any month in which fishing occurs. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch.

(3) Vessel operators engaged in commercial harvest of sea urchins or sea cucumbers must record the vessel identity, date, location fished, depth fished, latitude and longitude to the nearest tenth of a minute or to the nearest second, and the approximate number of sea urchins or sea cucumbers taken before leaving the site where taken and the exact weight must be recorded upon landing or sale.

(4) Vessel operators engaged in commercial harvest of clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each day's fishing and the weights by clam species must be recorded upon landing or sale.

(5) Vessel operators engaged in commercial harvest of scallops must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught for each tow or dive hour before leaving the catch area where taken.

(6) Vessel operators engaged in commercial harvest of squid, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel department of fish and wildlife boat registration number, gear type, catch area, starting and ending time of fishing, and numbers of other species caught and returned. Weights of squid must be recorded on landing or sale.

(7) Vessel operators engaged in commercial harvest of sand shrimp, except when taken incidental to any other lawful fishery, must record the location or identification number of the harvest tract, date of harvest, number of trenches pumped, average length and width of trenches (yards), total number of sand shrimp retained (dozens), total number of sand shrimp sold (dozens), and the name of the sand shrimp buyer.

(8) Vessel operators engaged in commercial harvest of shrimp (other than sand shrimp) using shellfish pot gear in Puget Sound must record the vessel's Washington department of fish and wildlife boat registration number, date, number of pots pulled, pot mesh size, depth fished, soak time, gear location (including latitude and longitude to the nearest hundredth of a minute), species targeted, and weight(s) of catch before leaving the site where catch is taken. A separate weight for each species caught and retained must be recorded. When single pots are fished an entry is required for each pot site. When two or more pots are fished on a common ground line the catch site must be recorded at the location of the last pot on the ground line that is pulled. It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. Harvest logs must be maintained and submitted in ascending consecutive order of harvest log serial numbers. Harvest logs must be submitted for each month in which fishing activity occurs and must be received by the department within ten days following any month in which fishing occurs. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch. Vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear must report their daily catch by telephone before leaving the last catch site fished each day. For harvest in Crustacean Management Regions 1A, 1B, 1C, or 2, reports must be made to the voice recorder at the La Conner district office. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the voice recorder at the Point Whitney shellfish laboratory. All reports must specify the fisher's name, estimated total number of pounds of each shrimp species in possession, number of pots fished, number of pot pulls (pots multiplied by pulls), the Marine Fish-Shellfish Management and Catch Reporting Area where shrimp were harvested, and the port or name of vessel where the catch will be landed or sold. The fish receiving ticket reporting requirements of WAC 220-69-240 remain in effect.



[Statutory Authority: RCW 77.12.047. 03-05-064 (Order 03-28), § 220-52-075, filed 2/18/03, effective 3/21/03; 01-02-061 (Order 00-267), § 220-52-075, filed 12/29/00, effective 1/29/01; 01-02-057 (Order 00-262), § 220-52-075, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. 00-05-054 (Order 00-17), § 220-52-075, filed 2/14/00, effective 3/16/00; 97-08-052 (Order 97-55), § 220-52-075, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-075, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-075, filed 7/14/93, effective 8/14/93; 91-10-024 (Order 91-22), § 220-52-075, filed 4/23/91, effective 5/24/91; 87-15-022 (Order 87-69), § 220-52-075, filed 7/8/87; 87-02-013 (Order 86-199), § 220-52-075, filed 12/30/86; 84-08-014 (Order 84-24), § 220-52-075, filed 3/27/84; 83-09-014 (Order 83-24), § 220-52-075, filed 4/12/83; 82-03-045 (Order 82-6), § 220-52-075, filed 1/19/82; 81-11-006 (Order 81-31), § 220-52-075, filed 5/11/81; 80-13-064 (Order 80-123), § 220-52-075, filed 9/17/80; 79-12-039 (Order 79-129), § 220-52-075, filed 11/20/79; 79-02-053 (Order 79-6), § 220-52-075, filed 1/30/79.]

## Chapter 220-55 WAC

### PERSONAL-USE LICENSES

#### WAC

220-55-001	Definitions.
220-55-005	Recreational license.
220-55-010	Recreational shellfish and seaweed license.
220-55-015	Valid recreational license required.
220-55-040	Recreational license, tag, permit, and stamp refunds and exchanges.
220-55-050	Temporary fishing or hunting license validation date.
220-55-055	Age of purchaser.
220-55-061	Residency of purchaser.
220-55-065	Fishing for shellfish, freshwater fish or saltwater fish by persons of disability.
220-55-070	Valid catch record card.
220-55-100	Fish and wildlife lands vehicle use permit.
220-55-105	Requirements of recreational license dealers.
220-55-110	Temporary fish-shellfish-seaweed license and temporary hunting license—License dealer issuance duties.
220-55-115	Recreational license dealer's fees.
220-55-120	Recreational licenses, stamps and tags—Inventory return.
220-55-125	Catch record cards—Accountability and inventory return.
220-55-132	Migratory bird validations and stamps.
220-55-160	Free fishing weekend.
220-55-170	Reduced rate combination temporary fishing and shellfish license.
220-55-175	Special license application for permanent annual combination licenses.
220-55-180	Point-of-sale transaction fee.
220-55-200	Duplicate license fees.
220-55-210	Oregon license reciprocity.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-55-020	Information required. [Statutory Authority: RCW 75.08.080. 79-09-021 (Order 79-58), § 220-55-020, filed 8/10/79.] Repealed by 89-07-071 (Order 89-05), filed 3/20/89. Statutory Authority: RCW 75.08.080.
220-55-025	Signature required. [Statutory Authority: RCW 75.08.080. 87-09-066 (Order 87-16), § 220-55-025, filed 4/21/87; 79-09-021 (Order 79-58), § 220-55-025, filed 8/10/79.] Repealed by 89-07-071 (Order 89-05), filed 3/20/89. Statutory Authority: RCW 75.08.080.
220-55-030	Razor clam license distribution agent. [Statutory Authority: RCW 75.08.080. 79-09-021 (Order 79-58), § 220-55-030, filed 8/10/79.] Repealed by 89-07-071 (Order 89-05), filed 3/20/89. Statutory Authority: RCW 75.08.080.
220-55-035	Razor clam license dealer. [Statutory Authority: RCW 75.08.080. 79-09-021 (Order 79-58), § 220-55-035, filed 8/10/79.] Repealed by 89-07-071 (Order 89-05), filed 3/20/89. Statutory Authority: RCW 75.08.080.
220-55-045	Bond requirements. [Statutory Authority: RCW 75.08.080. 79-09-021 (Order 79-58), § 220-55-045, filed 8/10/79.] Repealed by 89-07-071 (Order 89-05), filed 3/20/89. Statutory Authority: RCW 75.08.080.
220-55-060	Reduced fee license issuing procedure. [Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029

(Order 99-02), § 220-55-060, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 94-01-001, § 220-55-060, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-060, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-060, filed 2/4/88; 79-09-021 (Order 79-58), § 220-55-060, filed 8/10/79.] Repealed by 03-10-040 (Order 03-85), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

220-55-075 Recreational fisheries enhancement stamp. [Statutory Authority: RCW 75.08.080. 96-05-004 (Order 96-13), § 220-55-075, filed 2/9/96, effective 3/11/96; 94-01-001, § 220-55-075, filed 12/1/93, effective 1/1/94; 91-08-054 (Order 91-13), § 220-55-075, filed 4/2/91, effective 5/3/91; 89-07-071 (Order 89-05), § 220-55-075, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-075, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-075, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-015.] Repealed by 99-03-029 (Order 99-02), filed 1/13/99, effective 2/13/99. Statutory Authority: 1998 c 191 and RCW 75.08.080.

220-55-080 Validation date. [Statutory Authority: RCW 75.08.080. 91-08-054 (Order 91-13), § 220-55-080, filed 4/2/91, effective 5/3/91; 88-05-002 (Order 88-03), § 220-55-080, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-080, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-020.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.

220-55-085 Fresh and saltwater angling. [Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-55-085, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-025.] Repealed by 88-05-002 (Order 88-03), filed 2/4/88. Statutory Authority: RCW 75.08.080.

220-55-086 Two-consecutive-day personal use license. [Statutory Authority: RCW 75.08.080. 91-08-054 (Order 91-13), § 220-55-086, filed 4/2/91, effective 5/3/91; 90-03-068 (Order 90-05), § 220-55-086, filed 1/19/90, effective 2/19/90; 89-07-071 (Order 89-05), § 220-55-086, filed 3/20/89.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.

220-55-090 Recreational license dealer. [Statutory Authority: RCW 75.08.080. 89-07-071 (Order 89-05), § 220-55-090, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-090, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-090, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-030.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.

220-55-095 Salmon angling license distribution agent. [Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-55-095, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-035.] Repealed by 88-05-002 (Order 88-03), filed 2/4/88. Statutory Authority: RCW 75.08.080.

220-55-130 Valid personal use license. [Statutory Authority: RCW 75.08.080. 89-07-071 (Order 89-05), § 220-55-130, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-130, filed 2/4/88; 84-05-046 (Order 84-11), § 220-55-130, filed 2/21/84; 80-03-064 (Order 80-12), § 220-55-130, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-060.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.

220-55-135 Stamp redemption. [Statutory Authority: RCW 75.08.080. 88-05-002 (Order 88-03), § 220-55-135, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-135, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-065.] Repealed by 89-07-071 (Order 89-05), filed 3/20/89. Statutory Authority: RCW 75.08.080.

220-55-140 Valid recreational Hood Canal shrimp license. [Statutory Authority: RCW 75.08.080. 89-07-071 (Order 89-05), § 220-55-140, filed 3/20/89.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.

220-55-150 Dealers fees. [Statutory Authority: RCW 75.08.080. 90-03-068 (Order 90-05), § 220-55-150, filed 1/19/90, effective 2/19/90.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.

220-55-155 Personal use license dealer's fee. [Statutory Authority: RCW 75.08.080. 94-23-059 (Order 94-162), § 220-55-155, filed 11/14/94, effective 12/15/94.] Repealed by 99-03-029 (Order 99-02), filed 1/13/99, effective 2/13/99. Statutory Authority: 1998 c 191 and RCW 75.08.080.

220-55-20000A Interim hunting and fishing license. [Statutory Authority: RCW 75.08.080 and 1998 c 191 § 40. 98-24-042

(Order 98-241), § 220-55-20000A, filed 11/24/98, effective 1/1/99.] Repealed by 02-15-038 (Order 02-153), filed 7/11/02, effective 8/11/02. Statutory Authority: RCW 77.12.047, 2002 c 222.

**WAC 220-55-001 Definitions.** Unless otherwise provided, the following definitions apply to this chapter:

(1) "Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "License year" is defined as April 1st through the following March 31st.

(3) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.

(4) "Veteran" means a veteran of the United States Armed Forces.

(5) "Display" of a fish and wildlife lands vehicle use permit means either:

(a) Nontransferable: Affixing the permit to the rear window of the vehicle, in which case the vehicle license number need not be entered on the permit; or

(b) Transferable: Writing, in ink, in the provided space on the permit the license number of the two vehicles between which the permit is to be transferred, and placing the permit in either vehicle in such a place that the permit can be observed and the license number read from outside the vehicle. Placing the permit on the dashboard or hanging it from the rear view mirror complies with the display requirement for a transferrable vehicle use permit.

[Statutory Authority: RCW 77.12.047, 02-16-070 (Order 02-182), § 220-55-001, filed 8/6/02, effective 9/6/02. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-001, filed 1/13/99, effective 2/13/99.]

**WAC 220-55-005 Recreational license.** A recreational license is a license document or a valid internet or telephone authorization number issued by the department. The license document is invalid unless the personal identification information on the license has been completed and the licensee has signed the license except that a temporary fishing license is issued either as a license document requiring personal identification information or as a stamp, which is invalid unless the two-consecutive days for which it is valid are entered, in permanent ink, on the stamp.

[Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-55-005, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-005, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 96-05-004 (Order 96-13), § 220-55-005, filed 2/9/96, effective 3/11/96; 94-01-001, § 220-55-005, filed 12/1/93, effective 1/1/94.]

**WAC 220-55-010 Recreational shellfish and seaweed license.** The recreational license shall be provided with an opening for attachment or display on outer clothing. The license must be displayed on outer clothing while harvesting or transporting shellfish and seaweed in the field.

[Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-55-010, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-010, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 96-05-004 (Order 96-13), § 220-55-010, filed 2/9/96, effective 3/11/96; 94-01-001, § 220-55-010, filed 12/1/93, effective 1/1/94; 93-08-034 (Order 93-20), § 220-55-010,

(2007 Ed.)

filed 3/31/93, effective 5/1/93; 89-07-071 (Order 89-05), § 220-55-010, filed 3/20/89; 79-09-021 (Order 79-58), § 220-55-010, filed 8/10/79.]

**WAC 220-55-015 Valid recreational license required.** It is unlawful for any person required to have a recreational license to take or possess fish, shellfish, seaweed, or wildlife for personal use without having in physical possession a valid license or a valid internet or telephone authorization number.

[Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-55-015, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-015, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 94-23-059 (Order 94-162), § 220-55-015, filed 11/14/94, effective 12/15/94; 94-01-001, § 220-55-015, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-015, filed 3/20/89; 79-09-021 (Order 79-58), § 220-55-015, filed 8/10/79.]

**WAC 220-55-040 Recreational license, tag, permit, and stamp refunds and exchanges.** (1) For purposes of this section:

(a) "Refund" means the return of money received for a license, stamp, tag, or permit purchase. Refunds may be made by license dealers or the department licensing office in Olympia.

(b) "Exchange" means the surrendering of a transport tag (such as archery deer or Eastern Washington elk archery) and the reissuing of a different transport tag (such as muzzle-loader deer or Western Washington muzzleloader elk).

(2) Refunds will be made for the following:

(a) A license purchaser can obtain a refund from a license dealer for sixty minutes after the purchase of the license if a clerical error is made or the dealer issues the wrong license. License dealers can correct clerical errors after sixty minutes, but may not refund license purchases.

(b) A license purchaser can obtain a refund from Olympia at any time during the licensing year if a document has been issued in error, and the error was not caused by the purchaser.

(c) A license purchaser can obtain a refund from Olympia if the purchase of a second license was made on behalf of the licensee by someone other than the licensee.

(d) A license purchaser can obtain a refund from Olympia if the licensee qualifies for a reduced fee license, but the refund amount will be the difference between the license purchased and the reduced fee license.

(e) A license purchaser who is active duty military and is transferred or otherwise obligated and unable to use a license can obtain a refund from Olympia after providing documentation, provided that the request for refund is made prior to the opening of the applicable general hunting season.

(f) A license purchaser who is hospitalized or severely injured and provides a physician's statement that the person was incapable of participating in hunting can obtain a refund from Olympia after providing documentation, provided that the request for refund is made prior to the opening of the applicable general hunting season.

(g) The personal representative of a deceased license purchaser, who dies prior to the opening of the applicable general hunting season, can obtain a refund from Olympia after providing documentation of the death of the purchaser.

(3) Except as otherwise provided, refunds will not be made for the following:

(a) The department will not refund any recreational license or permit purchase for which a season or hunt has been scheduled, and the licensee could have participated in the season or hunt, regardless of whether the licensee did in fact participate or a permit could have been used, regardless of whether the person used the permit.

(b) The department will not refund purchases of raffle tickets, special hunt permit applications or collector bird stamps.

(4) Transport tag exchanges will be allowed for the following:

(a) The season for which the tag was issued has not opened, and the hunter wishes to exchange the tag for a different area or a different weapon type.

(b) The hunter has killed an animal that is unfit for human consumption and the department has authorized issuance of an exchange tag.

(c) The tag was issued in error, and the error was not caused by the person applying for the tag.

(5) Transport tag exchanges will not be allowed for the following:

(a) It is unlawful to exchange a big game transport tag during or after a drawing for a special hunting season permit has occurred, if the drawing requires the hunter to have the big game transport tag.

(b) It is unlawful to exchange a big game transport tag after the opening of the season for the tag is valid.

(c) Violation of this subsection is punishable under RCW 77.15.410 Unlawful hunting of big game.

[Statutory Authority: RCW 77.12.047, 06-09-024 (Order 06-73), § 220-55-040, filed 4/11/06, effective 5/12/06. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-040, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 94-01-001, § 220-55-040, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-040, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-040, filed 2/4/88; 86-24-047 (Order 86-191), § 220-55-040, filed 11/26/86; 79-09-021 (Order 79-58), § 220-55-040, filed 8/10/79.]

**WAC 220-55-050 Temporary fishing or hunting license validation date.** On a temporary fishing or hunting license, the validation date is the first date on which a licensee may hunt or fish and the temporary license expires at midnight of the day after the validation date for temporary fishing licenses and at midnight of the second day after the validation date for three-consecutive-day small game licenses.

[Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-050, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 96-05-004 (Order 96-13), § 220-55-050, filed 2/9/96, effective 3/11/96; 94-01-001, § 220-55-050, filed 12/1/93, effective 1/1/94; 79-09-021 (Order 79-58), § 220-55-050, filed 8/10/79.]

**WAC 220-55-055 Age of purchaser.** (1) The age at the time of purchase determines the license necessary for the recreational activity.

(2) Youth hunters who turn sixteen years of age during the license year may use a previously purchased youth hunting license during the remainder of the license year, but are required to have a state migratory bird stamp affixed to the license on and after their sixteenth birthday, if they are hunting migratory birds.

(3) Youth fishers who turn fifteen years of age during the license year are required to purchase a youth fishing license.

(4) Youth fishers who turn sixteen years of age during the license year may use a previously purchased youth fishing license during the remainder of the license year.

(5) Resident seniors who turn seventy years of age during the license year may use a previously purchased saltwater or freshwater fishing license during the remainder of the license year.

[Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-055, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 96-05-004 (Order 96-13), § 220-55-055, filed 2/9/96, effective 3/11/96; 94-01-001, § 220-55-055, filed 12/1/93, effective 1/1/94; 91-08-054 (Order 91-13), § 220-55-055, filed 4/2/91, effective 5/3/91; 79-09-021 (Order 79-58), § 220-55-055, filed 8/10/79.]

**WAC 220-55-061 Residency of purchaser.** (1) A purchaser of a resident fishing or hunting license is required to be a resident of the state of Washington, and pursuant to RCW 77.08.010(38), must have maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license, and must establish by formal proof an intent to continue residing in the state. This also applies to persons whose primary residence is Washington but who maintain a residence elsewhere.

(2) The primary method of establishing that the purchaser has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and establishing by formal evidence an intent to continue residing in the state is possession of a Washington state driver's license issued at least ninety days prior to application for a resident fishing or hunting license. Any licensed driver who does not have a Washington driver's license, issued at least ninety days prior to application for a resident fishing or hunting license, will be presumed to have not maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license, and will be presumed not to intend to be a Washington resident.

(3) Persons who are not licensed to drive may use a Washington state identification card, issued at least ninety days prior to application for a resident fishing or hunting license, to establish that the person has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and to establish by formal evidence an intent to continue residing in the state.

(4) Persons who are too young to obtain a Washington state driver's license may use a Washington state identification card or a school identification card to establish residency and to establish by formal evidence an intent to continue residing in the state.

(5) Persons who cannot establish having a permanent place of abode within Washington for ninety days preceding license application and cannot establish by formal evidence an intent to continue residing in the state by means of subsection (2), (3), or (4) of this section may submit evidence of residency and intent to continue residing in the state to the department's license office in Olympia, and, upon determination of sufficiency of proof, the licensing office will issue authorization to allow purchase of a resident license. Such

evidence shall include, but is not limited to, one or more of the following:

- (a) Becoming a registered voter in this state;
  - (b) Receiving benefits under one of the Washington public assistance programs;
  - (c) Paying higher education tuition fees at resident rates;
  - (d) Maintaining an abode within Washington, as shown by utility bills, a lease agreement, a contract or deed to real property, or a county tax assessment; or
  - (e) Documenting use of a residence address in Washington for federal tax purposes.
- (6) Notwithstanding the provisions of subsections (2) and (3) of this section, a member of the armed forces stationed at a military installation in this state (other than on temporary duty), is eligible to purchase a resident fishing or hunting license after presenting a valid military identification card and evidence that the member is stationed within the state, including, but not limited to, official orders or billeting documents.

(7) Notwithstanding the provisions of this section, proof of residency and intent to continue residing within the state are satisfied by presentation of a resident fishing or hunting license issued to the license applicant during the previous licensing year, showing the purchaser's Washington Interactive License Document (WILD) number, and verbal confirmation by the purchaser that all personal information on the previously issued license remains valid. If the applicant requests a change of any of the personal information on the license, proof of intent to continue residing in the state must be presented as provided for in subsection (2), (3), or (5) of this section.

[Statutory Authority: RCW 77.12.047, 04-08-063 (Order 04-72), § 220-55-061, filed 4/5/04, effective 5/6/04.]

**WAC 220-55-065 Fishing for shellfish, freshwater fish or saltwater fish by persons of disability.** (1) Definitions:

(a) "Designated harvester" means a licensed fisher who accompanies a disabled fisher and assists the disabled fisher in the taking of shellfish, game fish or food fish.

(b) "Disabled fisher" means a person of disability who possesses a valid fishing license or shellfish license issued by the department. A disabled fisher must have all required licenses and catch record cards before fishing.

(c) "Disabled harvester identification card" means a card issued by the department to any person of disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person of disability. Upon issuance of a disabled license, the department will also issue a designated harvester identification card.

(d) "Person of disability" means:

(i) A permanently disabled person who is not ambulatory over natural terrain without a prosthesis or assistive device; or

(ii) A permanently disabled person who is unable to hold or use any legal fishing or shell fishing device; or

(iii) A person who is totally blind or visually impaired.

This definition includes, but is not limited to, permanently disabled persons with upper or lower extremity impairments who have lost the use of one or both upper or

(2007 Ed.)

lower extremities, or who have a significant limitation in the use of upper or lower extremities, or who have a diagnosed disease or disorder which substantially impairs or interferes with mobility of the use of upper extremities.

(e) "Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than 20 degrees.

(2) The designated harvester, when accompanied by the disabled fisher, may assist the disabled fisher in taking shellfish, game fish and food fish on behalf of the disabled fisher.

(3) It is unlawful for a designated harvester to assist a disabled fisher unless the disabled fisher is present and participating in the fishing activity; except, the disabled fisher is not required to be present at the location where the designated harvester is harvesting shellfish for the disabled person. The licensee is required to be in the direct line of sight of the designated harvester who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the licensee is required to be within one-quarter mile of the designated harvester who is harvesting shellfish for him or her.

(4) It is unlawful for a designated harvester to assist a disabled fisher unless the designated harvester has the designated harvester identification card on his or her person.

(5) Shellfish, game fish or food fish harvested by a designated harvester on behalf of a disabled fisher become part of the disabled fisher's bag or possession limit, and must be kept separate from the designated harvester's bag or possession limit.

[Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-065, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 94-01-001, § 220-55-065, filed 12/1/93, effective 1/1/94; 91-08-054 (Order 91-13), § 220-55-065, filed 4/2/91, effective 5/3/91; 88-05-002 (Order 88-03), § 220-55-065, filed 2/4/88; 87-09-066 (Order 87-16), § 220-55-065, filed 4/21/87; 80-13-064 (Order 80-123), § 220-55-065, filed 9/17/80; 79-09-021 (Order 79-58), § 220-55-065, filed 8/10/79.]

**WAC 220-55-070 Valid catch record card.** A catch record card shall be invalid unless:

(1) The angler possesses the appropriate recreational license for the area in which the angler is participating, if a license is required.

(2) The catch record card number is written in ink in the appropriate space on the back of the recreational license, if a license is required, and the personal information has been entered on the catch record card as required under WAC 220-56-175, or, if an automated license is issued, the catch record card has attached to it a validation sticker containing the name and license number.

(3) The license issuance date is legible and not altered, and the license has not been mutilated.

[Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-55-070, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-070, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 94-01-001, § 220-55-070, filed 12/1/93, effective 1/1/94; 91-08-054 (Order 91-13), § 220-55-070, filed 4/2/91, effective 5/3/91; 89-07-071 (Order 89-05), § 220-55-070, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-070, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-070, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-010.]

**WAC 220-55-100 Fish and wildlife lands vehicle use permit.** Recreational license dealers are to issue a fish and wildlife lands vehicle use permit with the first annual recreational or trapping license sold, except for shellfish-seaweed licenses. If the fish and wildlife lands vehicle use permit is not issued because the license is voided or canceled, it is to be returned to the department with the department's copy of the license, and is due by the 10th of the month following the sale of the license.

[Statutory Authority: RCW 77.12.047, 02-16-070 (Order 02-182), § 220-55-100, filed 8/6/02, effective 9/6/02. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-100, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 94-01-001, § 220-55-100, filed 12/1/93, effective 1/1/94; 80-03-064 (Order 80-12), § 220-55-100, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-040.]

**WAC 220-55-105 Requirements of recreational license dealers.** (1) The director may contract with persons, firms or corporations as license dealers in such numbers as deemed necessary for the purpose of issuing licenses, permits, tags, stamps and catch record cards.

(2) License dealers must have a permanent place of business with regular business hours, and have a type of business that supports hunting and fishing activities. Exceptions to this rule may be granted by the director.

(3) An internet or Interactive Voice Response (IVR) telephone firm or corporation may be designated by the director as a license dealer. Internet or IVR dealers are not required to have a type of business that supports hunting and fishing activities.

(4) All moneys collected from the sale of hand processed licenses, stamps, and other department property must be received in the department by the 10th day of the following month in which they were sold. High volume license dealers or dealers with a history of late payments may be required to remit moneys on a more frequent basis.

(5) All moneys collected from the sale of automated licenses, and other automated department property must be deposited into an electronic funds transfer account (EFT) of a type approved by the state treasurer's office where they shall be collected on a weekly basis on a schedule set by the department and the state treasurer's office.

(6) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a fish and wildlife officer or department designee at reasonable times.

(7) License dealers who remit payments for hand processed licenses and other documents after the 10th of the month on more than two occasions in one year will be required to obtain a bond equal to the value of their license stock or make electronic fund transfer payment arrangements. "One year" is defined as beginning on the first month in which the license dealer is late making a payment due by the 10th of that month. A dealer who is late a third time, or sporadically thereafter, may lose their license dealership. No license dealer may receive additional license inventory if they are in arrears on license payments.

(8) For licenses sold via an automated system, license dealers must have sufficient funds in their EFT account to cover all licenses and other department property sold during the previous business week (12:01 a.m. Sunday until 11:59 p.m. Saturday) when funds are collected electronically per

the announced schedule. If the amount due has not been paid on the date of the next scheduled collection from the account, the automated license terminal will be disabled and authorization to sell licenses will be withheld until all balances due have been paid. If there are insufficient funds in the account on more than three occasions in one license year, the dealer may lose their license dealership. "One license year" is defined as beginning on April 1 and ending on March 31 of the following year.

(9) License dealers using an automated licensing system are required to maintain and deposit license revenue into accounts established in banks designated as public depositories by the Public Deposit Protection Commission.

[Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-55-105, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-105, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 94-01-001, § 220-55-105, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-105, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-105, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-105, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-045.]

**WAC 220-55-110 Temporary fish-shellfish-seaweed license and temporary hunting license—License dealer issuance duties.** A recreational license dealer must, at the time of sale of a two-consecutive-day combination fishing or three-consecutive-day small game license, write the validation date in ink on the license document, or for automated licenses, attach the validation sticker containing the validation date(s) onto the license document. The validation date is the first day on which a licensee may fish for, harvest or possess fish, shellfish, seaweed, or wildlife.

[Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-55-110, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 220-55-110, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080, 96-05-004 (Order 96-13), § 220-55-110, filed 2/9/96, effective 3/11/96; 94-01-001, § 220-55-110, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-110, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-110, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-110, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-046.]

**WAC 220-55-115 Recreational license dealer's fees.** License dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A two-day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.
- (g) A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.

(3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.

(4) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle use permit is issued with any recreational license, the license issuance fee for the document is two dollars.

(5) Fifty cents for the issuance of any of the following:

(a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.

(b) A state of Washington migratory bird stamp.

(c) A Western Washington pheasant permit.

(d) An application for a special permit hunt.

[Statutory Authority: RCW 77.12.047. 04-17-097 (Order 04-216), § 220-55-115, filed 8/17/04, effective 9/17/04; 01-10-030 (Order 01-62), § 220-55-115, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-55-115, filed 5/24/00, effective 6/24/00. Statutory Authority: SB 5020 and RCW 75.08.090. 99-17-095 (Order 99-129), § 220-55-115, filed 8/17/99, effective 9/17/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-115, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 94-01-001, § 220-55-115, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-115, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-115, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-115, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-047.]

**WAC 220-55-120 Recreational licenses, stamps and tags—Inventory return.** Recreational license dealers are required to return all unused licenses and transport tags and unsold migratory bird stamps to the department by April 30th following the license year for which the licenses and transport tags were issued. No refund will be given for migratory bird stamps received after April 30th.

[Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-120, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 94-01-001, § 220-55-120, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-120, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-120, filed 2/4/88; 84-05-046 (Order 84-11), § 220-55-120, filed 2/21/84; 80-03-064 (Order 80-12), § 220-55-120, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-050.]

**WAC 220-55-125 Catch record cards—Accountability and inventory return.** A recreational license dealer issuing catch record cards for salmon, sturgeon, halibut, and steelhead is subject to the following rules:

(1) Catch record card books may not be transferred from one dealer to another without written permission from the department.

(2) All catch record card books from which all cards have been issued, and any catch record card returned to a dealer by a fisher, must be returned to the department within ten days after the end of each calendar month.

(3) Any dealer terminating business or closing for the license year prior to March 31st must return any unused or partially used catch record card books within thirty days of terminating business or closing for the year.

(4) All partially used catch record card books must be returned to the department by April 30th of the license year following the year printed on the catch record cards. All complete unused catch record card books, and any catch record cards that are void, lost, destroyed or otherwise missing from a dealership, must be accounted for in writing to the department by April 30th of the year following the year printed on the catch record cards.

[Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-125, filed 1/13/99, effective 2/13/99. Statutory Authority:

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RCW 75.08.080. 94-01-001, § 220-55-125, filed 12/1/93, effective 1/1/94; 91-08-054 (Order 91-13), § 220-55-125, filed 4/2/91, effective 5/3/91; 89-07-071 (Order 89-05), § 220-55-125, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-125, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-125, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-055.]

**WAC 220-55-132 Migratory bird validations and stamps.** (1) When using an automated licensing system, the migratory bird stamp required by RCW 77.32.350(1) shall be considered as part of the license validation sticker attached to the generic license document. A person who obtains a migratory bird stamp in the form of a validation sticker may obtain a state migratory bird stamp free of charge upon request at the time of purchase.

(2) Collectors and other persons may purchase one or more migratory bird stamps without purchasing a small game hunting license.

(3) When issued a validation sticker, the signature of the hunter on the license document shall validate the license.

[Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-55-132, filed 5/24/00, effective 6/24/00.]

**WAC 220-55-160 Free fishing weekend.** The Saturday and Sunday following the first Monday in June is declared to be free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of age or residency, to fish for or possess fish and shellfish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities except that it is unlawful to fish for or possess any species for which a catch record is required without a valid catch record card in possession. During free fishing weekend only the license and permit provided for in this section are affected, and all other rules including the catch record card requirement remain in effect.

[Statutory Authority: RCW 77.12.047. 06-13-023 (Order 06-135), § 220-55-160, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-55-160, filed 3/30/99, effective 5/1/99.]

**WAC 220-55-170 Reduced rate combination temporary fishing and shellfish license.** There is hereby created a combination temporary fishing and shellfish license that is valid for two consecutive days and allows the holder to fish for and possess fish and shellfish taken from state and off-shore waters. The fee for this license is six dollars for both residents and nonresidents. This license is not valid for game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season.

[Statutory Authority: RCW 77.32.470(5). 00-11-177 (Order 00-82), § 220-55-170, filed 5/24/00, effective 6/24/00; 00-02-050 (Order 99-233), § 220-55-170, filed 12/30/99, effective 4/1/00.]

**WAC 220-55-175 Special license application for permanent annual combination licenses.** (1) There is hereby created a special license application for permanent combination license packages. Each package awarded will contain: A big game combination number one license allowing the holder to take deer, elk, bear, and cougar during the general season for each species; a small game license allowing the holder to take wild animals and wild birds during the open general season for each, including a single turkey tag; a Western Washington pheasant permit; a migratory bird vali-

dation; a combination fishing license and catch record card allowing the holder to take fish, shellfish, and seaweed during the general seasons for each; and a vehicle use permit. Special hunt applications, raffles or auction hunts, juvenile fishing, or fishing set aside for persons of disability (unless the holder qualifies as a fisher with a disability) are not included in this package. If a fee is established for transport tags, fish marking tags, additional access permits, additional catch record cards, or other restrictions on fishing or hunting, the holder will be responsible for payment of these fees prior to engaging in the restricted activities.

(2) The fee for a resident special license application ticket is \$6.50, and the fee for a nonresident special license application ticket is \$12.50. The fee for the ticket includes both the transaction and dealer fees. The selection of a successful special license application ticket holder will be by random draw. Only a natural person may be issued a permanent annual combination license. The successful special license application ticket holder may not sell the opportunity to be issued a permanent annual combination license, but may designate a natural person other than the successful special license application ticket holder to receive the permanent annual combination license. A resident ticket holder may only designate another resident. A nonresident ticket holder may designate a resident or nonresident. The designation of another individual to be issued the permanent annual combination license must be made in writing to the department license manager. If the successful special license application ticket holder is an individual, the designation must be made within fifteen days of notification of being selected. If the successful special license application ticket holder is a business or organization, the designation must be made within ninety days of notification of being selected. Notification is complete upon posting a letter in the United States mail to the successful special license application ticket holder. The licensee, once designated, may not transfer the license. The permanent annual combination license package shall be issued on an annual basis to the licensee upon request of the licensee.

(3) The director will determine the number of special license applications to be conducted each year, the date of the drawing for each special license application to be conducted, and the number of permanent annual combination licenses to be awarded for each special license application conducted.

[Statutory Authority: RCW 77.12.047, 04-01-051 (Order 03-304), § 220-55-175, filed 12/11/03, effective 1/11/04.]

**WAC 220-55-180 Point-of-sale transaction fee.** The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational documents. The transaction fee shall be ten percent of the value of the document transaction, excluding any applicable dealer fees except through June 30, 2007, the transaction fee shall be nine and one-half percent of the value of the document transaction, excluding any applicable dealer fee.

[Statutory Authority: RCW 77.12.047, 06-01-012 (Order 05-273), § 220-55-180, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 77.12.047 and 2003 c 389, 04-01-095 (Order 03-311), § 220-55-180, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 77.32.050, 00-11-176 (Order 00-81), § 220-55-180, filed 5/24/00, effective 6/24/00. Statutory Authority:

RCW 77.12.040 and 77.32.050, 00-02-049 (Order 99-234), § 220-55-180, filed 12/30/99, effective 1/30/00.]

**WAC 220-55-200 Duplicate license fees.** (1) The cost of a duplicate license document is seven dollars, plus the automated licensing system processing fee and dealer fee, unless the cost of all licenses on the original license document was less than seven dollars, then the license document cost is the same as the original cost, plus the automated licensing system processing fee and dealer fee. The duplicate license document shall contain all licenses purchased at the time the original license document was issued, including a migratory waterfowl validation if such validation was purchased, but shall not include any game tags issued with the original license.

(2) The cost of a duplicate game tag is seven dollars per game tag, plus the automated licensing system processing fee and the dealer fee.

(3) The department will not issue duplicate two-day fishing licenses issued as a charter stamp, duplicate collector migratory waterfowl stamps, duplicate additional access decals, or duplicate game raffle tickets.

[Statutory Authority: RCW 77.12.047, 2002 c 222, 02-15-038 (Order 02-153), § 220-55-200, filed 7/11/02, effective 8/11/02.]

**WAC 220-55-210 Oregon license reciprocity.** (1) A person may, from a vessel or other floating device, fish for game fish, food fish, unclassified fish, and shellfish, unless otherwise prohibited, from Pacific Ocean waters within three miles of the Washington coast from Leadbetter Point to the Washington-Oregon boundary, and from the concurrent waters of the Columbia River where the river forms the boundary between Oregon and Washington if the person possesses a valid Oregon resident angling license or a valid Oregon resident shellfish license, but only if Oregon recognizes as valid a comparable Washington personal use license in Pacific Ocean waters within three miles of the Oregon coast from the Oregon-Washington boundary to Cape Falcon and the concurrent waters of the Columbia River.

(2) This reciprocity applies only to fishing from a vessel or other floating device. Fishing from the Washington shore requires a Washington personal use license.

(3) This reciprocity applies only to Oregon residents, and residents of other states must possess either a valid Washington license or a valid Oregon license to take game fish, food fish, unclassified fish, and shellfish from the waters of the respective states.

(4) Any game fish, food fish, unclassified fish, or shellfish landed into Washington must conform with current rules in effect for the point of landing including, but not limited to, daily limits, possession limits, size restrictions, and sex restrictions.

[Statutory Authority: RCW 77.12.047, 06-07-046 (Order 06-40), § 220-55-210, filed 3/9/06, effective 4/9/06.]

## Chapter 220-56 WAC PERSONAL-USE FISHERY

### WAC

220-56-100  
220-56-105  
220-56-107

Definitions—Personal-use fishing.  
River mouth definitions.  
Fishing hours.

220-56-110 Possession of personal-use food fish and shellfish.  
 220-56-112 Sampling data and tag recovery.  
 220-56-115 Angling gear—Lawful and unlawful acts.  
 220-56-116 Statewide saltwater hook rules.  
 220-56-118 Fish handling rules—Removal from water.  
 220-56-122 Statewide bait rules.  
 220-56-123 Statewide freshwater hook rules.  
 220-56-124 Unlawful provisions—Hoodspout Hatchery.  
 220-56-128 Food fish fishing—Closed areas.  
 220-56-129 Unclassified freshwater invertebrates and fish.  
 220-56-130 Unclassified marine invertebrates and fish.  
 220-56-131 Elliott Bay public fishing pier underwater artificial reef area.  
 220-56-132 Les Davis public fishing pier underwater artificial reef area.  
 220-56-133 Des Moines public fishing pier.  
 220-56-134 Edmonds public fishing pier.  
 220-56-140 Wastage of food fish or shellfish.  
 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition—Possession aboard a vessel.  
 220-56-150 Unlawful to take another's limit.  
 220-56-155 Total possession limit.  
 220-56-156 Possession and delivery of Canadian-origin food fish and shellfish.  
 220-56-160 Spearfishing.  
 220-56-165 Bow and arrow fishing.  
 220-56-175 Catch record cards.  
 220-56-180 Salmon statewide rules.  
 220-56-185 Marine area codes.  
 220-56-193 Closed season—Endangered Species Act fish classified as threatened.  
 220-56-194 Closed season—Endangered Species Act fish classified as endangered.  
 220-56-195 Closed areas—Saltwater salmon angling.  
 220-56-196 Closed areas—Pink salmon angling.  
 220-56-197 Closed areas—Coho salmon angling.  
 220-56-199 Closed areas—Chinook salmon angling.  
 220-56-200 Salmon angling unlawful from commercial vessels.  
 220-56-210 Fly fishing.  
 220-56-215 Unlawful possession of snagged fish taken in freshwater.  
 220-56-220 Salmon eggs—Unlawful acts.  
 220-56-230 Bottomfish—Closed areas.  
 220-56-235 Possession limits—Bottomfish.  
 220-56-240 Daily limits forage fish and other food fish not otherwise provided for.  
 220-56-250 Lingcod—Areas and seasons.  
 220-56-255 Halibut—Seasons—Daily and possession limits.  
 220-56-262 Atlantic salmon.  
 220-56-265 Forage fish—Lawful gear.  
 220-56-267 Herring—Areas and seasons.  
 220-56-270 Smelt—Areas and seasons.  
 220-56-275 Smelt—Unlawful acts.  
 220-56-280 Carp—Lawful gear and seasons.  
 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts.  
 220-56-285 Shad—Areas and seasons.  
 220-56-310 Shellfish—Daily limits.  
 220-56-312 Shellfish—Possession limits.  
 220-56-315 Crabs, shrimp, crawfish—Unlawful acts.  
 220-56-320 Shellfish gear—Unlawful acts.  
 220-56-325 Shrimp—Areas and seasons.  
 220-56-326 Shrimp containers.  
 220-56-330 Crab—Areas and seasons.  
 220-56-335 Crab—Unlawful acts.  
 220-56-336 Crawfish—Areas and seasons.  
 220-56-340 General provisions—Clams, cockles, mussels—Gear.  
 220-56-350 Clams other than razor clams, mussels—Areas and seasons.  
 220-56-355 Clams—Unlawful acts.  
 220-56-360 Razor clams—Areas and seasons.  
 220-56-365 Razor clams—Unlawful acts.  
 220-56-372 Razor clam sanctuaries.  
 220-56-375 Oysters and scallops—Gear.  
 220-56-380 Oysters—Areas and seasons.  
 220-56-382 Oysters and clams on private tidelands—Personal use.  
 220-56-385 Oysters—Unlawful acts.  
 220-56-390 Squid, octopus.  
 220-56-400 Abalone.  
 220-56-405 Sea urchins.  
 220-56-410 Sea cucumbers.  
 220-56-415 Goose barnacles.  
 220-56-500 Game fish seasons.  
 220-56-510 Game fish possession limits and size limits.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

220-56-010 Definitions. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-010, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-010, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-010, filed 3/15/76, effective 5/1/76; Order 858, § 220-56-010, filed 1/14/70; Order 806, § 220-56-010, filed 12/20/68, effective 1/20/69; Order 767, § 2, filed 12/22/67; Order 717, § 1 (part), filed 12/21/66; subsections 1, 2 from Orders 356, 256, filed 3/1/60; subsections 3 and 7 from Order 525, filed 5/3/61; Orders 356, 256, filed 3/1/60; subsections 4 and 5 from Orders 391 and 256, filed 3/1/60; subsection 6 from Order 507, filed 4/13/60; subsection 8 from Order 630, filed 12/2/64.] See WAC 220-56-013, 220-56-016, and 220-56-019. Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.

220-56-013 Definitions—Bag limit code definitions. [Statutory Authority: RCW 75.08.080. 79-07-046 (Order 79-43), § 220-56-013, filed 6/22/79; 78-03-034 (Order 78-8), § 220-56-013, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-013, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-013, filed 4/5/76; Order 76-14, § 220-56-013, filed 3/15/76 and 3/24/76, effective 5/1/76; Order 1116, § 220-56-013, filed 4/30/74; Order 1101, § 220-56-013, filed 11/14/73, effective 1/1/74; Order 1039, § 220-56-013, filed 12/22/72; Order 910, § 220-56-013, filed 12/28/70; Order 806, § 220-56-013, filed 12/20/68, effective 1/20/69. Formerly (9) of WAC 220-56-010.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.

220-56-016 Definitions—Season code definitions. [Order 806, § 220-56-016, filed 12/20/68, effective 1/20/68; Formerly (10) of WAC 220-56-010.] Repealed by Order 77-71, filed 8/18/77.

220-56-019 Definitions—River mouth definitions. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-019, filed 1/30/79, effective 4/1/79; Order 76-14, § 220-56-019, filed 4/5/76; Order 76-14, § 220-56-019, filed 3/15/76, effective 5/1/76; Order 1186, § 220-56-019, filed 1/13/75; Order 978, § 220-56-019, filed 12/10/71; Order 910, § 220-56-019, filed 12/28/70; Order 867, § 220-56-019, filed 6/16/70; Order 858, § 220-56-019, filed 1/14/70; Order 806, § 220-56-019, filed 12/20/68, effective 1/20/69. Formerly (11) of WAC 220-56-010.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.

220-56-020 Definitions—Lawful and unlawful provisions. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-020, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-020, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-020, filed 3/15/76, effective 5/1/76; Order 1186, § 220-56-020, filed 1/13/75; Order 1101, § 220-56-020, filed 11/14/73, effective 1/1/74; Order 1039, § 220-56-020, filed 12/22/72; Order 978, § 220-56-020, filed 12/10/71 and 12/17/71; Order 910, § 220-56-020, filed 12/28/70; Order 866, § 220-56-020, filed 6/12/70; Order 858, § 220-56-020, filed 1/14/70; Order 806, § 220-56-020, filed 12/20/68, effective 1/20/69; Order 720, § 1, filed 2/1/67; Order 717, § 1 (part), filed 12/21/66; subsection 1 from Order 525, filed 5/3/61; Order 507, filed 4/13/60; subsections 2 and 11 from Order 569, filed 4/11/63; subsection 3 from Order 527, filed 5/16/61; Orders 356 and 256, filed 3/1/60; subsection 4 from Orders 356 and 256, filed 3/1/60; subsections 6, 7, 8, 9 from Order 525, filed 5/3/61; Orders 356 and 256, filed 3/1/60; subsection 7 amended by Order 635, filed 3/31/65; subsection 10 from Order 672, filed 12/28/65; subsection 11 amended by Order 630, filed 12/2/64.] See WAC 220-56-023. Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.

220-56-021 Definitions—Hook regulations—Fresh water angling. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-021, filed 1/30/79, effective 4/1/79; Order 77-3, § 220-56-021, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-021, filed 3/15/76, effective 5/1/76; Order 1186, § 220-56-021, filed 1/13/75; Order 1101, § 220-56-021, filed 11/14/73, effective 1/1/74; Order 978, § 220-56-021, filed 12/10/71; Order 910, § 220-56-021, filed 12/28/70.]



- Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-022 Definitions—Special fishery—Elderly and handicapped persons. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-022, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-022, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-022, filed 4/5/76; Order 76-14, § 220-56-022, filed 3/15/76 and 3/24/76, effective 5/1/76; Order 910, § 220-56-022, filed 12/18/70.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-023 Salmon catch record cards. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-023, filed 1/30/79, effective 4/1/79; Order 77-121, § 220-56-023, filed 10/19/77; Order 76-153, § 220-56-023, filed 12/17/76; Order 910, § 220-56-023, filed 12/28/70; Order 806, § 220-56-023, filed 12/20/68, effective 1/20/69; Formerly (12) of WAC 220-56-020.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-175.
- 220-56-030 Definitions—Possession limits—Food fish other than salmon. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-030, filed 2/21/78, effective 4/1/78; Order 1186, § 220-56-030, filed 1/13/75; Order 1101, § 220-56-030, filed 11/14/73, eff. 1/1/74; Order 717, § 1, (part), filed 12/21/66; subsection 1 from Order 525, filed 5/3/61; subsection 2 from Order 672, filed 12/28/65; Order 569, filed 4/11/63; Order 544, filed 4/13/62; Order 525, filed 5/3/61; Orders 457 and 256, filed 3/1/60; subsection 2(b) amended by Order 630, filed 12/2/64.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-040 Definitions—Shellfish—Possession limits. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-040, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-040, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-040, filed 4/5/76; Order 76-14, § 220-56-040, filed 3/15/76, effective 5/1/76; Order 1186, § 220-56-040, filed 1/13/75; Order 1039, § 220-56-040, filed 12/22/72; Order 990, § 220-56-040, filed 5/11/72; Order 910, § 220-56-040, filed 12/28/70; Order 767, § 3, filed 12/22/67; Order 717, § 1 (part), filed 12/21/66; subsections 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 from Order 525, filed 5/3/61; Orders 483 and 256, filed 3/1/60; subsection 2 from Order 525, filed 5/3/61; Order 506, filed 3/16/60; Order 569, subsection 4, filed 4/11/63; Order 525, filed 5/3/61; Orders 483 and 256, filed 3/1/60.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-050 General provisions. [Statutory Authority: RCW 75.08.080. 79-04-041 (Order 79-17), § 220-56-050, filed 3/23/79; Order 1106, § 220-56-050, filed 1/10/74; Order 717, § 1, (part), filed 12/21/66; subsections 1, 3, 4-9 from Orders 356 and 256, filed 3/1/60; subsection 2 from Orders 391 and 256, filed 3/1/60; subsection 5 from Order 569, filed 4/11/63; Orders 356 and 256, filed 3/1/60; subsection 10 from Order 630, filed 12/2/64; Orders 429 and 256, filed 3/1/60; subsection 11 from Orders 453 and 256, filed 3/1/60; subsection 12 from Order 525, filed 5/3/61.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-060 General provisions—Personal use fishery—Areas and seasons—Salmon. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-060, filed 2/21/78, effective 4/1/78; Order 978, § 220-56-060, filed 12/10/71; Order 910, § 220-56-060, filed 12/28/70; Order 867, § 220-56-060, filed 6/16/70; Order 858, § 220-56-060, filed 1/14/70; Order 806, § 220-56-060, filed 12/20/68, eff. 1/20/69; Order 767, §§ 4, 5, filed 12/22/67; Order 717, § 1, (part), filed 12/21/66; subsection 1 from Orders 356 and 256, filed 3/1/60; subsection 2 from Order 672, (part), filed 12/28/65; Order 635, (part), filed 3/31/65; Order 630, filed 12/2/64; Order 569, filed 4/11/63; Order 543, filed 3/20/62; Order 525, filed 5/3/61; Order 511, filed 6/27/60; Order 507, filed 4/13/60; Orders 356 and 256, filed 3/1/60; subsection 3 from Order 569, filed 4/11/63; Orders 429 and 256, filed 3/1/60; subsection 4 from Order 569, filed 4/11/63; Orders 356 and 256, filed 3/1/60; subsection 5 from Order 672, (part), filed 12/28/65; Order 630, (part), filed 12/2/64; Order 569, filed 4/11/63; Orders 455 and 256, filed 3/1/60; subsection 13 from Order 543, filed 3/20/62; Order 507, filed 4/13/60; Orders 452 and 256, filed 3/1/60; subsection 15 from Order 569, filed 4/11/63; Orders 356 and 256, filed 3/1/60; subsection 16 from Orders 357 and 256, filed 3/1/60; subsection 17 from Order 672, filed 12/28/65; Order 543, filed 3/20/62; Orders 400 and 256, filed 3/1/60; subsection 18 from Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Orders 502 and 256, filed 3/1/60; subsections 19 and 20 from Order 630, filed 12/2/64; Order 507, filed 4/13/60; Orders 452 and 256, filed 3/1/60; subsection 21 from Order 672, filed 12/28/65; Order 569, filed 4/11/63; Order 507, filed 4/13/60; subsection 22 from Order 672, filed 12/28/65; Order 630, filed 12/2/64; subsection 23 from Order 525, filed 5/3/61; Order 507, filed 4/13/60.] Later promulgation, see WAC 220-56-063 and 220-56-066. Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-063 General provisions—Salt water seasons and bag limits. [Order 77-31, § 220-56-063, filed 5/11/77; Order 77-3, § 220-56-063, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-063, filed 3/15/76 and 3/24/76, effective 5/1/76; Order 1221, § 220-56-063, filed 7/1/75; Order 1193, § 220-56-063, filed 3/4/75; Order 1186, § 220-56-063, filed 1/13/75; Order 1143, § 220-56-063, filed 8/8/74; Order 1116, § 220-56-063, filed 4/30/74; Order 1101, § 220-56-063, filed 11/14/73, effective 1/1/74; Order 982, § 220-56-063, filed 2/16/72; Order 978, § 220-56-063, filed 12/10/71; Order 910, § 220-56-063, filed 12/28/70; Order 806, § 220-56-063, filed 12/20/68, effective 1/20/69. Formerly (2) of WAC 220-56-060.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-064 Special provisions—Saltwater seasons and bag limits. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-064, filed 2/21/78, effective 4/1/78; Order 77-31, § 220-56-064, filed 5/11/77; Order 77-3, § 220-56-064, filed 1/28/77, effective 3/1/77.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-190.
- 220-56-065 Personal use fishery—Areas and seasons—Other food fish and shellfish. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-065, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-56-065, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-065, filed 1/28/77, effective 3/1/77; Order 910, § 220-56-065, filed 12/28/70.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-128.
- 220-56-066 Personal use fishery—Fresh water seasons and bag limits. [Order 866, § 220-56-066, filed 6/12/70; Order 858, § 220-56-066, filed 1/14/70; Order 806, § 220-56-066, filed 12/20/68, effective 1/20/69; Formerly (3) of WAC 220-56-060.] Repealed by Order 77-1, filed 8/18/77. See WAC 220-57-001 through 220-57-105.
- 220-56-070 General provisions—Smelt—Areas and seasons. [Order 76-14, § 220-56-070, filed 3/15/76, effective 5/1/76; Order 1186, § 220-56-070, filed 1/13/75; Order 910, § 220-56-070, filed 12/28/70; Order 806, § 220-56-070, filed 12/20/68, effective 1/20/69; Order 717, § 1 (part), filed 12/21/66; subsection 1 from Order 591, filed 10/28/63; Orders 447 and 256, filed 3/1/60; subsection 2 from Orders 378 and 256, filed 3/1/60.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-270 and 220-56-275.
- 220-56-071 General provisions—Halibut—Season. [Order 1101, § 220-56-071, filed 11/14/73, effective 1/1/74.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective

- 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-255.
- 220-56-072 General provisions—Shad and sturgeon areas and seasons. [Order 912, § 220-56-072, filed 1/26/71; Order 858, § 220-56-072, filed 1/14/70.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-285 and 220-56-295.
- 220-56-073 General provisions—Sturgeon—Snake River. [Order 867, § 220-56-073, filed 6/16/70.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-305.
- 220-56-074 General provisions—Sturgeon—Area—Bonneville Dam. [Order 76-14, § 220-56-074, filed 3/15/76, effective 5/1/76.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-300.
- 220-56-080 General provisions—Clams—Areas and seasons. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-080, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-56-080, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-080, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-080, filed 3/15/76, effective 5/1/76; Order 1186, § 220-56-080, filed 1/13/75; Order 1101, § 220-56-080, filed 11/14/73, effective 1/1/74; Order 990, § 220-56-080, filed 5/11/72; Order 807, § 220-56-080, filed 1/2/69, effective 2/1/69; Order 717, § 1 (part), filed 12/21/66; subsections 1, 3 from Order 605, filed 4/21/64; subsection 3 amended by Order 679, filed 4/20/66; subsection 2 from Order 631, filed 1/13/65; Order 599, filed 1/29/64; Order 540, filed 1/15/62; Order 524, filed 2/6/61; subsections 4, 6 from Orders 356 and 256, filed 3/1/60; subsection 6 amended by Order 672, filed 12/28/65; subsection 5 from Order 507, filed 4/13/60; Orders 356 and 256, filed 3/1/60; subsection 7 from Order 569, filed 4/11/60.] See WAC 220-56-082, 220-56-084, 220-56-086 and 220-56-088. Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080.
- 220-56-082 General provisions—Crab—Areas and seasons. [Statutory Authority: RCW 75.08.080. 78-03-034 (Order 78-8), § 220-56-082, filed 2/21/78, effective 4/1/78; Order 76-14, § 220-56-082, filed 3/15/76, effective 5/1/76; Order 807, § 220-56-082, filed 1/2/69, effective 2/1/69. Formerly WAC 220-56-080(4).] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-330, 220-56-340, 220-56-345, 220-56-350, and 220-56-355.
- 220-56-084 General provisions—Shrimp—Areas and seasons. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-084, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-56-084, filed 2/21/78, effective 4/1/78; Order 76-14, § 220-56-084, filed 3/15/76, effective 5/1/76; Order 1101, § 220-56-084, filed 11/14/73, effective 1/1/74; Order 807, filed 1/2/69, effective 2/1/69. Formerly WAC 220-56-080(5).] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-325.
- 220-56-086 General provisions—Oysters—Areas and seasons. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-086, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-56-086, filed 2/21/78, effective 4/1/78; Order 77-3, § 220-56-086, filed 1/28/77, effective 3/1/77; Order 76-14, § 220-56-086, filed 3/15/76, effective 5/1/76; Order 1101, § 220-56-086, filed 11/14/73, effective 1/1/74; Order 807, § 220-56-086, filed 1/2/69, effective 2/1/69. Formerly WAC 220-56-080(6).] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-380.
- 220-56-088 General provisions—Shellfish gear—Unlawful. [Statutory Authority: RCW 75.08.080. 79-02-052 (Order 79-7), § 220-56-088, filed 1/30/79, effective 4/1/79; 78-03-034 (Order 78-8), § 220-56-088, filed 2/21/78, effective 4/1/78; Order 76-14, § 220-56-088, filed 3/15/76, effective 5/1/76; Order 807, § 220-56-088, filed 1/2/69, effective 2/1/69. Formerly 220-56-080(7).] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-320.
- 220-56-090 General provisions—Sea cucumbers. [Order 990, § 220-56-090, filed 5/11/72.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-410.
- 220-56-092 General provisions—Sea urchins. [Order 990, § 220-56-092, filed 5/11/72.] Repealed by 80-03-064 (Order 80-12), filed 2/27/80, effective 4/1/80. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-56-405.
- 220-56-103 Definitions—Landlocked chinook and coho. [Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-103, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-103, filed 3/30/99, effective 5/1/99. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-103, filed 3/19/97, effective 5/1/97; 95-17-062 (Order 95-102), § 220-56-103, filed 8/15/95, effective 9/15/95.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-56-117 Retention of tagged bottomfish and herring. [Statutory Authority: RCW 75.08.080. 82-07-047 (Order 82-19), § 220-56-117, filed 3/18/82.] Repealed by 06-09-054 (Order 06-72), filed 4/17/06, effective 5/18/06. Statutory Authority: RCW 77.12.047.
- 220-56-120 Closed areas—Angling. [Statutory Authority: RCW 75.08.080. 88-10-012 (Order 88-14), § 220-56-120, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-120, filed 4/21/87; 80-03-064 (Order 80-12), § 220-56-120, filed 2/27/80, effective 4/1/80.] Repealed by 89-07-060 (Order 89-12), filed 3/16/89. Statutory Authority: RCW 75.08.080.
- 220-56-125 Unlawful provisions—Shilshole Bay. [Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-125, filed 2/28/90, effective 3/31/90; 84-09-026 (Order 84-22), § 220-56-125, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-125, filed 2/27/80, effective 4/1/80.] Repealed by 95-04-066 (Order 95-10), filed 1/30/95, effective 5/1/95. Statutory Authority: RCW 75.08.080.
- 220-56-126 Nonbuoyant lures and night closures—Saltwater. [Statutory Authority: RCW 77.12.047. 03-21-001 (Order 03-255), § 220-56-126, filed 10/1/03, effective 11/1/03; 01-06-036 (Order 01-24), § 220-56-126, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-56-126, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-126, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-56-126, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-126, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-126, filed 3/16/89; 85-09-017 (Order 85-20), § 220-56-126, filed 4/9/85.] Repealed by 06-09-021 (Order 06-67), filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.047.
- 220-56-127 Unlawful provisions—Budd Inlet. [Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-127, filed 2/28/90, effective 3/31/90.] Repealed by 95-04-066 (Order 95-10), filed 1/30/95, effective 5/1/95. Statutory Authority: RCW 75.08.080.
- 220-56-135 Edmonds and Elliott Bay fishing piers. [Statutory Authority: RCW 75.08.080. 81-05-027 (Order 81-13), § 220-56-135, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-135, filed 2/27/80, effective 4/1/80.] Repealed by 82-07-047 (Order 82-19), filed 3/18/82. Statutory Authority: RCW 75.08.080.
- 220-56-190 Coastal salmon—Saltwater seasons and daily limits. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-190, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-190, filed 7/15/98, effective 8/15/98; 97-18-035, § 220-56-190, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-56-190, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-190, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-190, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-190, filed 6/29/93, effective 7/30/93; 91-08-054 (Order 91-13), § 220-56-190, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-190, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-190, filed 3/16/89; 87-09-066 (Order 87-16), § 220-56-190, filed 4/21/87;

- 86-09-020 (Order 86-08), § 220-56-190, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-190, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-190, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-190, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-190, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-190, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-190, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-064.] Decodified and amended by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7. Recodified as WAC 232-28-620.
- 220-56-191 Puget Sound salmon—Saltwater seasons and daily limits. [Statutory Authority: RCW 75.08.080. 00-01-103 (Order 99-215), § 220-56-191, filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-191, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-191, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-56-191, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-56-191, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-56-191, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-191, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-191, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-191, filed 6/29/93, effective 7/30/93.] Decodified and amended by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7. Recodified as WAC 232-28-621.
- 220-56-198 Duwamish Waterway—Unlawful provisions. [Statutory Authority: RCW 75.08.080. 84-09-026 (Order 84-22), § 220-56-198, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-198, filed 3/17/83.] Repealed by 85-09-017 (Order 85-20), filed 4/9/85. Statutory Authority: RCW 75.08.080.
- 220-56-201 Marking sport-caught salmon. [Statutory Authority: RCW 75.08.080. 84-09-026 (Order 84-22), § 220-56-201, filed 4/11/84.] Repealed by 85-09-017 (Order 85-20), filed 4/9/85. Statutory Authority: RCW 75.08.080.
- 220-56-205 Hook rules—Nonbuoyant lures and night closures. [Statutory Authority: RCW 75.08.080. 77.12.040. 00-08-038 (Order 00-29), § 220-56-205, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-205, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-205, filed 7/15/98, effective 8/15/98; 97-18-035, § 220-56-205, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-205, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-205, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-205, filed 1/30/95, effective 5/1/95; 92-11-012 (Order 92-19), § 220-56-205, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-205, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-205, filed 2/28/90, effective 3/31/90; 88-10-013 (Order 88-15), § 220-56-205, filed 4/26/88; 86-09-020 (Order 86-08), § 220-56-205, filed 4/9/86; 82-07-047 (Order 82-19), § 220-56-205, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-205, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-205, filed 2/27/80, effective 4/1/80.] Repealed by 00-16-091 (Order 00-134), filed 7/31/00, effective 8/31/00. Statutory Authority: 2000 c 107 § 7.
- 220-56-225 Freshwater angling hours. [Statutory Authority: RCW 75.08.080. 97-09-066 (Order 97-68), § 220-56-225, filed 4/21/97, effective 5/22/97; 95-04-066 (Order 95-10), § 220-56-225, filed 1/30/95, effective 5/1/95; 81-05-027 (Order 81-13), § 220-56-225, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-225, filed 2/27/80, effective 4/1/80.] Repealed by 99-15-081 (Order 99-102), filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040.
- 220-56-245 Halibut—Daily and possession limits. [Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-245, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-245, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-245, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-245, filed 3/16/89; 88-10-012 (Order 88-14), § 220-56-245, filed 4/26/88; 80-03-064 (Order 80-12), § 220-56-245, filed 2/27/80, effective 4/1/80.] Repealed by 99-15-081 (Order 99-102), filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040.
- 220-56-260 Bottomfish—Lawful gear. [Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-260, filed 2/27/80, effective 4/1/80.] Repealed by 82-13-040 (Order 82-61), filed 6/9/82. Statutory Authority: RCW 75.08.080.
- 220-56-290 Sturgeon angling hours. [Statutory Authority: RCW 75.08.080. 82-07-047 (Order 82-19), § 220-56-290, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-290, filed 2/27/80, effective 4/1/80.] Repealed by 01-06-036 (Order 01-24), filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.047.
- 220-56-295 Sturgeon—Unlawful acts. [Statutory Authority: RCW 75.08.080. 77.12.040. 00-08-038 (Order 00-29), § 220-56-295, filed 3/29/00, effective 5/1/00; 98-06-031, § 220-56-295, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-56-295, filed 3/16/89; 87-09-066 (Order 87-16), § 220-56-295, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-295, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-295, filed 4/11/84; 81-05-027 (Order 81-13), § 220-56-295, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-295, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-072.] Repealed by 01-06-036 (Order 01-24), filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.047.
- 220-56-300 Sturgeon—Area—Bonneville Dam. [Statutory Authority: RCW 75.08.080. 82-13-040 (Order 82-61), § 220-56-300, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-300, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-074.] Repealed by 83-07-043 (Order 83-16), filed 3/17/83. Statutory Authority: RCW 75.08.080.
- 220-56-305 Sturgeon—Catch and release. [Statutory Authority: RCW 75.08.080. 97-08-018 (Order 97-54), § 220-56-305, filed 3/25/97, effective 4/25/97; 95-12-027 (Order 95-46), § 220-56-305, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-305, filed 7/1/94, effective 8/1/94; 86-09-020 (Order 86-08), § 220-56-305, filed 4/9/86; 80-03-064 (Order 80-12), § 220-56-305, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-073.] Repealed by 01-06-036 (Order 01-24), filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.047.
- 220-56-307 Shellfish—Closed areas. [Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-307, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-307, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-307, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-307, filed 2/28/90, effective 3/31/90.] Repealed by 02-08-048 (Order 02-53), filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.047.
- 220-56-345 Clams, oysters—Culling prohibited. [Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-345, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.] Repealed by 89-07-060 (Order 89-12), filed 3/16/89. Statutory Authority: RCW 75.08.080.
- 220-56-370 Razor clams—Disability permits. [Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-370, filed 1/30/95, effective 5/1/95; 80-03-064 (Order 80-12), § 220-56-370, filed 2/27/80, effective 4/1/80.] Repealed by 04-07-009 (Order 04-39), filed 3/4/04, effective 5/1/04. Statutory Authority: RCW 77.12.047.

### WAC 220-56-100 Definitions—Personal-use fishing.

The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

- (1) "Anadromous game fish" means steelhead, searun cutthroat trout, and searun Dolly Varden/bull trout.
- (2) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.
- (3) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.
- (4) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and pro-

pelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(5) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(6) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(7) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(8) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(9) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(10) "Frozen" means fish or shellfish that are hard frozen throughout.

(11) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(12) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

(13) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(14) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(15) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(16) "Juvenile" means a person under fifteen year of age.

(17) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(18) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(19) "Nonbuoyant lure restriction" means nonbuoyant lures, defined as lures with hooks and attachments (eyes, swivels, etc.), that do not have enough buoyancy to float in freshwater, may have only one single hook measuring not more than 3/4 inch point to shank. No weights may be attached below or less than twelve inches above a buoyant lure defined as a lure with hooks and attachments that has enough buoyancy to float in freshwater, and all hooks must be attached to or no more than three inches below a buoyant lure or within three inches of bait or a nonbuoyant lure. No hook may be attached to the line above a buoyant lure.

(20) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(21) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(22) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

(23) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with an internal combustion motor is prohibited unless otherwise provided. Up to three hooks may be used. Only knotless nets may be used to land fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

(24) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(25) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(26) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(27) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(28) "Steelhead" means searun rainbow trout over twenty inches in length.

(29) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(30) "Trout" means brown trout, bull trout, cutthroat trout, Dolly Varden, Eastern brook trout, golden trout, grayling, Kokanee (silver trout), lake trout, rainbow trout, tiger trout, and, in WAC 232-28-619, salmon from waters designated as "landlocked salmon rules apply."

(31) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(32) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(33) "Wild" when used to describe a salmon (chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

(34) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

(35) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

[Statutory Authority: RCW 77.12.047, 06-13-023 (Order 06-135), § 220-56-100, filed 6/13/06, effective 7/14/06; 06-05-085 (Order 06-23), § 220-56-100, filed 2/14/06, effective 5/1/06; 05-17-007 (Order 05-168), § 220-56-100, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-100, filed 11/23/04, effective 12/24/04; 04-07-009 (Order 04-39), § 220-56-100, filed 3/4/04, effective 5/1/04; 03-18-007 (Order 03-211), § 220-56-100, filed 8/20/03, effective 9/20/03; 02-08-048 (Order 02-53), § 220-56-100, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7, 00-16-091 (Order 00-134), § 220-56-100, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-08-029 (Order 99-13), § 220-56-100, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-100, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-100, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-100, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-100, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-100, filed 7/1/94, effective 8/1/94; 91-08-054 (Order 91-13), § 220-56-100, filed 4/2/91, effective 5/3/91; 86-09-020 (Order 86-08), § 220-56-100, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-100, filed 4/9/85; 82-13-040 (Order 82-61), § 220-56-100, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-100, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-105 River mouth definitions.** When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.  
 Bear River - Highway 101 Bridge.  
 Bone River - Highway 101 Bridge.  
 Chambers Creek - Burlington Northern Railroad Bridge.  
 Chehalis River - Highway 101 Bridge in Aberdeen.  
 Chelan River - Railroad Bridge.  
 Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.  
 Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.  
 Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.  
 Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.  
 Drano Lake - Highway 14 Bridge.  
 Duwamish River - First Avenue South Bridge.  
 Elk River - Highway 105 Bridge.  
 Entiat River - Highway 97 Bridge.  
 Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.

Hoquiam River - Highway 101 Bridge.  
 Humptulips River - Mouth of Jessie Slough.  
 Johns River - Highway 105 Bridge.  
 Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.  
 Kettle River - Barstow Bridge.  
 Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.  
 Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.  
 Methow River - Highway 97 Bridge.  
 Naselle River - Highway 101 Bridge.  
 North Nemah River - Highway 101 Bridge.  
 Niawiakum River - Highway 101 Bridge.  
 North River - Highway 105 Bridge.  
 Palix River - Highway 101 Bridge.  
 Puyallup River - 11th Street Bridge.  
 Samish River - The Samish Island Bridge (Bayview-Edison Road).  
 Sammamish River - 68th Avenue NE Bridge.  
 Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.  
 Skamokawa Creek - Highway 4 Bridge.  
 Skookum Creek - A line 400 yards below the old railroad bridge.  
 Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.  
 South Nemah River - Lynn Point 117 degrees true to the opposite shore.  
 Spokane River - State Route 25 Bridge.  
 Wallace River - The furthest downstream railroad bridge.  
 Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.  
 Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.  
 White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.  
 Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.  
 Willapa River - South Bend boat launch.  
 Wind River - Boundary line markers at mouth.  
 Yakima River - Highway 240 Bridge.

[Statutory Authority: RCW 77.12.047, 03-05-057 (Order 03-24), § 220-56-105, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-105, filed 3/29/02, effective 5/1/02; 01-14-001 (Order 01-107), § 220-56-105, filed 6/21/01, effective 7/22/01. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-105, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-105, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-105, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-105, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-105, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-105, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-105, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-105, filed 3/31/93, effective 5/1/93; 91-08-054 (Order 91-13), § 220-56-105, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-105, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-105, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-105, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-105, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-105, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-105, filed 6/9/82; 81-05-027 (Order 81-13), § 220-56-105, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-105, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-107 Fishing hours.** (1) It is lawful to fish for food fish, game fish, and unclassified fish twenty-four hours per day during any open period for the species, except as otherwise provided. Unless otherwise provided, fishing seasons open at 12:01 a.m. on the first day and end at 11:59 p.m. on the last day of any season.

(2) It is unlawful to fish for the following species during the time periods indicated:

(a) It is unlawful to fish for salmon at night in the Hood-Sport Hatchery zone as provided for in WAC 220-56-124.

(b) It is unlawful to fish for any species during night closures provided for in WAC 220-56-126 and 232-28-619.

(c) It is unlawful to fish for sturgeon in freshwater, except the Chehalis River, during the night closure provided for in WAC 220-56-282.

[Statutory Authority: RCW 77.12.047, 06-13-023 (Order 06-135), § 220-56-107, filed 6/13/06, effective 7/14/06.]

**WAC 220-56-110 Possession of personal-use food fish and shellfish.** (1) The personal-use possession limit of food fish shall include all fresh, frozen, canned and other processed fish in the immediate possession of an individual, together with fish held for him by a custom canner or processor, and fish consigned by him for processing, preserving, storing, or transporting to a place other than where such food fish were taken.

(2) It shall be unlawful for any custom canner, or any person operating as a canner or processor of personal-use catches of food fish to accept, process or hold in the name of an individual more than his lawful possession limit.

(3) Custom cannery or processors of personal-use food fish or shellfish, resort operators and others who hold fish on their premises for sport fishermen, shall maintain accurate written accounts of such fish. These records shall be made available for inspection by the department of fisheries, and shall contain the name, signature and permanent address of the taker, the date and area of catch; the number, weight, species and date submitted for processing or holding and the final quantities processed by numbers of units.

(4) It shall be unlawful for any commercial fish dealer, cold storage plant operator, restaurant or hotel to store or have in possession any food fish or shellfish taken by any person for personal use, unless it is identified by tags attached

bearing the names and addresses of the persons taking such food fish or shellfish.

(5) It shall be unlawful for any person taking food fish or shellfish for personal use to intermingle his catch or part of his catch with that of any duly licensed person taking food fish or shellfish for commercial purposes except for commercially caught fish retained for personal use as provided for in WAC 220-20-016 and 220-20-021.

[Statutory Authority: RCW 75.08.080, 85-11-020 (Order 85-43), § 220-56-110, filed 5/10/85; 80-03-064 (Order 80-12), § 220-56-110, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-112 Sampling data and tag recovery.** It is unlawful for any person to fail to comply with the directions of authorized department of fisheries personnel related to the collection of sampling data or material from salmon or other food fish. It is also unlawful for any person to fail to relinquish upon request to the department any fish tag or any part of a salmon or other food fish containing coded wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

[Statutory Authority: RCW 75.08.080, 82-07-047 (Order 82-19), § 220-56-112, filed 3/18/82.]

**WAC 220-56-115 Angling gear—Lawful and unlawful acts.** (1) It is unlawful for any person to use more than one line while angling for personal use except a second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13. A violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It shall be unlawful for any person to take, fish for or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(d) A violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) It shall be unlawful for any person while angling to fail to keep his angling gear under his direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed and juvenile anglers aboard has been retained.

(5) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish

or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-115, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-115, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-115, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-115, filed 3/4/04, effective 5/1/04; 02-09-001 (Order 02-53A), § 220-56-115, filed 4/3/02, effective 5/4/02; 01-06-036 (Order 01-24), § 220-56-115, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-115, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-115, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-115, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-115, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-115, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-115, filed 2/28/90, effective 3/31/90; 88-10-013 (Order 88-15), § 220-56-115, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-115, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-115, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-115, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-115, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-115, filed 3/18/82; 80-12-040 (Order 80-107), § 220-56-115, filed 8/29/80; 80-03-064 (Order 80-12), § 220-56-115, filed 2/27/80, effective 4/1/80.]

#### **WAC 220-56-116 Statewide saltwater hook rules. (1)**

It is unlawful to use more than two hooks to fish in saltwater, except for forage fish jigger gear and squid jig gear, and when fishing from the north jetty of the Columbia River.

(2) It is unlawful to use barbed hooks in Marine Areas 5-13, except for forage fish jigger gear.

(3) It is unlawful to use other than one single barbless hook to fish for sturgeon.

(4) It is unlawful to use other than single barbless hooks to fish for salmon in Marine Areas 1-4, except in the Ocean Shores and Westport Boat Basins, as provided for in this section.

(5) It is unlawful to fish for or possess salmon taken with terminal gear hooks in violation of nonbuoyant lure restrictions in the following saltwater areas during the periods indicated:

(a) Budd Inlet waters south of a line projected true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128 - July 16 through October 31.

(b) Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island - July 1 through October 31.

(c) Ocean Shores Boat Basin - August 16 through January 31.

(d) Westport Boat Basin - August 16 through January 31.

(6) It is unlawful to fish for or possess gamefish taken with terminal gear hooks in violation of nonbuoyant lure restrictions in the Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island during the period July 1 through October 31.

(7) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

[Title 220 WAC—p. 118]

(8) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-116, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-116, filed 2/14/06, effective 5/1/06; 02-08-048 (Order 02-53), § 220-56-116, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-116, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-116, filed 1/30/95, effective 5/1/95; 92-11-012 (Order 92-19), § 220-56-116, filed 5/12/92, effective 6/12/92; 89-10-032 (Order 89-26), § 220-56-116, filed 4/27/89; 88-10-012 (Order 88-14), § 220-56-116, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-116, filed 4/9/85; 83-07-043 (Order 83-16), § 220-56-116, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-116, filed 6/9/82.]

**WAC 220-56-118 Fish handling rules—Removal from water.** In order to protect fish that are required to be released:

(1) It is unlawful to totally or partially remove oversize sturgeon from the water.

(2) It is unlawful to totally or partially remove six-gill shark from the water.

(3) In all freshwater areas, except the Columbia River downstream from a line between Rocky Point and Tongue Point, it is unlawful to totally remove salmon, steelhead, Dolly Varden or bull trout from the water if it is unlawful to retain those salmon, steelhead, Dolly Varden or bull trout or if the angler subsequently releases the salmon, steelhead, Dolly Varden or bull trout.

(4) In Marine Areas 5 through 13, it is unlawful to bring wild salmon or a species of salmon aboard a vessel if it is unlawful to retain that salmon. For purposes of this subsection, "aboard" means inside the gunnel of a vessel.

(5) In Marine Area 2-2 east of the Buoy 13 line, salmon required to be released may not be totally removed from the water, except anglers fishing from vessels thirty feet or longer as shown on their state registration or Coast Guard documentation are exempt from this subsection.

[Statutory Authority: RCW 77.12.047. 06-05-085 (Order 06-23), § 220-56-118, filed 2/14/06, effective 5/1/06; 05-17-007 (Order 05-168), § 220-56-118, filed 8/3/05, effective 9/3/05; 05-05-035 (Order 05-15), § 220-56-118, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-118, filed 3/4/04, effective 5/1/04.]

**WAC 220-56-122 Statewide bait rules. (1)** It is unlawful to fish for sturgeon except with bait.

(2) It is unlawful to use lamprey as fishing bait, regardless of the source or species of lamprey.

(3) It is lawful to use bait in saltwater, and it is unlawful to use terminal gear other than bait suspended above the bottom by a float in the East Duwamish waterway between a line projected east along the path of southwest Hanford Street and a line projected east from the south tip of Harbor Island.

(4) It is unlawful to chum, broadcast, feed, or distribute into freshwater any bait or other substance capable of attract-

(2007 Ed.)



ing fish unless specifically authorized in exceptions to statewide rules.

(5) When fishing for trout with bait, all trout that are lawful to possess and are equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, and it is unlawful to continue to fish once the daily limit has been achieved, except that steelhead trout may be caught and released until the daily limit is taken.

(6) It is unlawful to use live fish as bait to fish for game fish.

(7) Use of bait in violation of this section is an infraction, punishable under RCW 77.15.160.

(8) It is unlawful to possess fish taken with bait in violation of the provisions of this section. Possession of fish while using bait in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such bait. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047, 06-13-023 (Order 06-135), § 220-56-122, filed 6/13/06, effective 7/14/06; 06-09-021 (Order 06-67), § 220-56-122, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-122, filed 2/14/06, effective 5/1/06.]

#### **WAC 220-56-123 Statewide freshwater hook rules.**

(1) It is unlawful to use more than three hooks to fish in freshwater, except it is lawful to use forage fish jigger gear in the waters of the Columbia River downstream from a line between Rocky Point and Tongue Point.

(2) It is unlawful to use other than one single barbless hook to fish for sturgeon.

(3) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

(4) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047, 06-09-021 (Order 06-67), § 220-56-123, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-123, filed 2/14/06, effective 5/1/06; 05-17-007 (Order 05-168), § 220-56-123, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-123, filed 11/23/04, effective 12/24/04; 01-06-036 (Order 01-24), § 220-56-123, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7, 00-16-091 (Order 00-134), § 220-56-123, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-123, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080, 94-14-069, § 220-56-123, filed 7/1/94, effective 8/1/94.]

**WAC 220-56-124 Unlawful provisions—Hoodspout Hatchery.** During the period July 1 through December 31, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspout Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

[Statutory Authority: RCW 77.12.047, 02-15-097 (Order 02-158), § 220-56-124, filed 7/16/02, effective 8/16/02; 01-14-001 (Order 01-107), § 220-56-124, filed 6/21/01, effective 7/22/01. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-124, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-124, filed 7/15/98, effective 8/15/98; 97-18-035, § 220-56-124, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080, 96-11-078 (Order 96-44), § 220-56-124, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-124, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-124, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-124, filed 3/31/93, effective 5/1/93.]

**WAC 220-56-128 Food fish fishing—Closed areas.** It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below



the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31 except it is lawful to fish with gear meeting the fly fishing only requirements of WAC 220-56-210 except it is unlawful to use lead core fly line. Use of gear other than fly fishing gear or use of a lead core line in violation of this subsection is an infraction, punishable under RCW 77.15.160. It is unlawful to retain any fish taken during the period January 1 through March 31.

(14) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(15) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(16) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(17) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(18) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(19) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(20) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(21) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(22) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(23) The waters of Catch Area 12 are closed at all times to the taking of food fish other than salmon.

(24) Freshwater Bay - waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed July 1 through August 31.

(25) Tulalip Bay - waters east of line from Mission Point to Hermosa Point are closed at all times.

(26) Waters of Catch Record Card Area 13 within 500 yards of the Toliva Shoal buoy are closed to fishing for food fish June 16 through April 30 and closed to rockfish year-round.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-128, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-128, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-128, filed 2/10/05, effective 5/1/05; 04-24-030 (Order 04-306), § 220-56-128, filed 11/23/04, effective 12/24/04; 04-17-098 (Order 04-218), § 220-56-128, filed 8/17/04, effective 9/17/04; 02-08-048 (Order 02-53), § 220-56-128, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-128, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-56-128, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-56-128, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-128, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-56-128, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-128, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-128, filed 3/31/93, effective 5/1/93; 91-08-054 (Order 91-13), § 220-56-128, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-128, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-128, filed 3/16/89; 88-10-012 (Order 88-14), § 220-56-128, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-128, filed 4/9/85; 82-07-047 (Order 82-19), § 220-56-128, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-128, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-065.]

**WAC 220-56-129 Unclassified freshwater invertebrates and fish.** (1) Definitions. For purposes of this section, "freshwater clams and mussels" means all freshwater bivalves existing in Washington in a wild state, except prohibited aquatic animal species classified under WAC 232-12-090.

(2) It is unlawful for any person to take or possess freshwater clams and mussels taken for personal use. Freshwater clams and mussels include all bodily parts but does not include five pounds or less of relic shells of freshwater clams and mussels. A relic (dead) shell is defined as one which apparently died of natural causes and contains no meat or soft parts: It readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the shell has not been cooked-out or freshly cleaned. No license or permit is required to take or possess up to five pounds of relic shells per day. It is unlawful to take or possess more than five pounds of relic shells without first obtaining a scientific collection permit.

(3) It is unlawful for any person to take, fish for or possess Pacific lamprey, western brook lamprey, or river lamprey taken for personal use.

(4) Violation of this rule is punishable under RCW 77.15.140.

[Statutory Authority: RCW 77.12.047. 06-23-114 (Order 06-289), § 220-56-129, filed 11/17/06, effective 12/18/06; 05-05-035 (Order 05-15), § 220-56-129, filed 2/10/05, effective 5/1/05; 03-05-057 (Order 03-24), § 220-56-129, filed 2/14/03, effective 5/1/03.]

**WAC 220-56-130 Unclassified marine invertebrates and fish.** (1) Definitions. For purposes of this section:

(a) "Daily limit" means individual animals retained, alive or dead.

(b) "Sculpins" means individual sculpins of species that are not defined as bottomfish.

(c) "Nudibranch" means individual nudibranchs of any species.

(d) "Unclassified marine invertebrates" and "unclassified marine fish" mean species existing in Washington state marine waters in a wild state that have not been classified as food fish, shellfish, game fish, protected wildlife, or endangered species.

(2) The following limits apply to the taking of unclassified marine invertebrates in Catch Record Card Areas 1 through 13, and the taking of unclassified marine fish in Catch Record Card Areas 5 through 13:

(a) Daily limit of ten unclassified marine invertebrates, except moon snails and nudibranchs.

(b) Daily limit of five moon snails.

(c) Daily limit of two nudibranchs.

(d) Daily limit of two unclassified marine fish per species of fish, except that the daily limit may not contain more than two sculpins and it is unlawful to take, fish for or possess Pacific lamprey or river lamprey.

(e) The possession limit and the daily limit are the same.

(f) Potlatch DNR tidelands are closed to the taking of unclassified marine invertebrates and unclassified marine fish.

(g) Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(3) Each person possessing unclassified marine invertebrates or unclassified marine fish must retain their take in a separate container. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-130, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-130, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-130, filed 2/10/05, effective 5/1/05. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-130, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-130, filed 1/30/95, effective 5/1/95; 80-03-064 (Order 80-12), § 220-56-130, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-131 Elliott Bay public fishing pier underwater artificial reef area.** It is unlawful to fish for or possess food fish or shellfish taken within 100 yards of the Elliott Bay public fishing pier except while fishing from the Elliott Bay public fishing pier. Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-131, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080. 93-08-034 (Order 93-20), § 220-56-131, filed 3/31/93, effective 5/1/93; 82-07-047 (Order 82-19), § 220-56-131, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-131, filed 2/17/81, effective 4/1/81.]

**WAC 220-56-132 Les Davis public fishing pier underwater artificial reef area.** It is unlawful to fish for or possess food fish or shellfish taken within 100 yards of the Les Davis public fishing pier except while fishing from the Les Davis public fishing pier. Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-132, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080.

(2007 Ed.)

93-08-034 (Order 93-20), § 220-56-132, filed 3/31/93, effective 5/1/93; 84-09-026 (Order 84-22), § 220-56-132, filed 4/11/84.]

**WAC 220-56-133 Des Moines public fishing pier.** It is unlawful to fish for or possess food fish or shellfish taken within 100 yards of the Des Moines public fishing pier except while fishing from the Des Moines public fishing pier. Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-133, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080. 89-07-060 (Order 89-12), § 220-56-133, filed 3/16/89.]

**WAC 220-56-134 Edmonds public fishing pier.** (1) It is unlawful to fish for or possess food fish or shellfish taken from the following waters except while fishing from the Edmonds public fishing pier: Waters inside a line from a boundary marker on the north breakwater to the southernmost marker buoy then to the north end of the city of Edmonds public beach.

(2) It shall be unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds public fishing pier as described in this subsection, except while fishing from the Edmonds public fishing pier.

Underwater artificial reef area: Those waters lying northerly and easterly of the north breakwater of the port of Edmonds marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy thence northeasterly 1350 feet to a marker buoy thence southeasterly to the northeastern end of the city of Edmonds public beach.

(3) Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-134, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-134, filed 5/31/95, effective 7/1/95.]

**WAC 220-56-140 Wastage of food fish or shellfish.** It shall be unlawful to take, fish for or possess food fish or shellfish taken for personal use with the intent of wasting or destroying such food fish or shellfish.

[Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-140, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition—Possession aboard a vessel.** (1) Fish and shellfish may be cleaned and portioned in the field except sturgeon when sturgeon eggs are in possession. It is unlawful for a fisher to fail to retain proof of compliance with number, species, size, weight, sex, or wild or hatchery origin restrictions, if such restrictions apply, until the fisher is ashore and has finished fishing for the day. This subsection does not apply if the catch is in the process of being prepared for immediate consumption.

(2) Notwithstanding the provisions of subsection (1) of this section, it is unlawful to possess Dolly Varden/bull trout in the field in such condition that the species and total length cannot be determined.

(3) In Marine Areas 1 through 6 it is unlawful for any person to possess more than one daily limit of fish or shellfish in fresh form while aboard a vessel.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-145, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-145, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-145, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-145, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 83-07-043 (Order 83-16), § 220-56-145, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-145, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-145, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-150 Unlawful to take another's limit.** It is unlawful for any person to catch, dig or possess fish or shellfish for another person except designated harvesters as provided in WAC 220-55-065.

[Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-56-150, filed 3/4/04, effective 5/1/04. Statutory Authority: RCW 75.08.080. 86-09-020 (Order 86-08), § 220-56-150, filed 4/9/86; 80-03-064 (Order 80-12), § 220-56-150, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-155 Total possession limit.** The lawful total cumulative number of salmon or amounts of other food fish and shellfish possessed when taken from more than one area shall not exceed the daily catch or possession limit for a single area.

[Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-155, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-156 Possession and delivery of Canadian-origin food fish and shellfish.** (1) Canadian license required. It is unlawful to possess in marine waters or deliver into Washington shellfish or food fish taken for personal use from Canadian waters unless the person that possesses or delivers the shellfish or food fish possesses a valid Canadian sport fishing license and catch record card, if one is required, for the shellfish and food fish taken.

(2) Canadian-origin rockfish restrictions: It is unlawful to possess yelloweye or canary rockfish taken for personal use from Canadian waters.

(3) Canadian-origin halibut restrictions:

(a) The daily limit of halibut is one daily limit, regardless of the origin of the halibut. The daily limit is two halibut if taken from Canadian waters or one halibut if taken from Washington waters.

(b) The possession limit is two halibut if at least one halibut was taken from Washington waters and three halibut if all three halibut were taken from Canadian waters.

(c) It is unlawful to possess more than one daily limit of halibut aboard the fishing vessel.

(4) Canadian-origin salmon restrictions:

(a) It is unlawful to possess in marine waters or deliver into Washington any fresh salmon taken for personal use from Canadian waters unless such salmon meet current salmon regulations for the waters of the applicable department of fish and wildlife catch record card area, except, if the vessel operator has a valid Canadian customs clearance number obtained while the vessel was moored at a Canadian government dock in Ucluelet, Victoria, Sydney, White Rock, or Bedwell Harbour, British Columbia, fishers aboard the vessel may deliver Canadian-origin salmon into Washington that are lawfully taken in Canada, regardless of whether the

salmon meet the current salmon regulations for the area where delivered.

(b) It is unlawful to fish for any species in state or off-shore waters from a vessel having Canadian-origin salmon aboard that do not meet the current salmon regulations for the waters being fished.

(c) It is unlawful for a fisher to fish for any species in state or offshore waters if the fisher possesses in the field any salmon that do not meet the current salmon regulations for the waters being fished.

(5) "Delivery" of Canadian-origin fish into Washington defined. For the purposes of this section, "delivery" means transportation by a private or commercial recreational fishing vessel and delivery in Washington is complete when, within the state, the vessel anchors, moors, ties to a float or pier, or is placed or attempted to be placed on a boat trailer. "Delivery" is also complete if the fish or shellfish are offloaded from the vessel within state waters.

[Statutory Authority: RCW 77.12.047. 06-05-085 (Order 06-23), § 220-56-156, filed 2/14/06, effective 5/1/06; 05-05-046 (Order 05-22), § 220-56-156, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 75.08.080. 92-11-012 (Order 92-19), § 220-56-156, filed 5/12/92, effective 6/12/92; 90-08-001 (Order 90-22), § 220-56-156, filed 3/22/90, effective 4/22/90; 85-09-017 (Order 85-20), § 220-56-156, filed 4/9/85.]

**WAC 220-56-160 Spearfishing.** It shall be lawful to take, fish for and possess food fish taken for personal use in saltwater, except salmon and sturgeon, if such food fish are taken with underwater spearfishing gear commonly used in the sport of "skin diving."

[Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-160, filed 2/28/90, effective 3/31/90; 80-03-064 (Order 80-12), § 220-56-160, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-165 Bow and arrow fishing.** It shall be lawful to take, fish for and possess food fish, except salmon, shad, or sturgeon, for personal use by bow and arrow fishing.

[Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-165, filed 2/28/90, effective 3/31/90; 80-07-017 (Order 80-45), § 220-56-165, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-165, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-175 Catch record cards.** It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line and in Catch Record Card Areas 5-13, anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021. Notwithstanding the provisions of this subsection, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch

record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(b) A second or subsequent catch record card is invalid for retention of sturgeon.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length, for halibut, vessel type and for salmon, whether or not the fish was marked.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

[Statutory Authority: RCW 77.12.047. 06-21-031 (Order 06-262), § 220-56-175, filed 10/9/06, effective 11/9/06; 06-13-023 (Order 06-135), § 220-56-175, filed 6/13/06, effective 7/14/06; 06-05-085 (Order 06-23), § 220-56-175, filed 2/14/06, effective 5/1/06; 04-10-033 (Order 04-91), § 220-56-175, filed 4/29/04, effective 5/30/04; 03-05-057 (Order 03-24), § 220-56-175, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-175, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-56-175, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-175, filed 3/29/00, effective 5/1/00; 99-17-066 (Order 99-125), § 220-56-175, filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080. 91-08-054 (Order 91-13), § 220-56-175, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-175, filed 2/28/90, effective 3/31/90; 89-07-071 (Order 89-05), § 220-56-175, filed 3/20/89; 88-05-002 (Order 88-03), § 220-56-175, filed 2/4/88; 85-11-020 (Order 85-43), § 220-56-175, filed 5/10/85; 80-03-064 (Order 80-12), § 220-56-175, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-023.]

**WAC 220-56-180 Salmon statewide rules.** (1) In fresh water and in Marine Areas 2-1 beginning August 16 and 2-2 east of the Buoy 13 line beginning September 1, adult salmon are:

Chinook over 24 inches in length,

Coho over 20 inches in length,

Pink, chum or sockeye over 12 inches in length, and

Atlantic salmon of any size. In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.

(2) In Marine Areas 1 through 4, in Area 2-1 from the opening date of adjacent ocean waters through August 15, (2007 Ed.)

and in Area 2-2 west of the Buoy 13 line, chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(3) In Marine Areas 5 through 13, chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(4) The salmon possession limit shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

(5) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

(6) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

[Statutory Authority: RCW 77.12.047. 05-17-007 (Order 05-168), § 220-56-180, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-180, filed 11/23/04, effective 12/24/04. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-180, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-180, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-180, filed 3/19/97, effective 5/1/97; 95-04-066 (Order 95-10), § 220-56-180, filed 1/30/95, effective 5/1/95; 93-08-034 (Order 93-20), § 220-56-180, filed 3/31/93, effective 5/1/93; 91-14-046 (Order 91-40), § 220-56-180, filed 6/27/91, effective 7/28/91; 91-08-054 (Order 91-13), § 220-56-180, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-180, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-180, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-180, filed 4/26/88; 87-08-006 (Order 87-19), § 220-56-180, filed 3/23/87; 86-09-020 (Order 86-08), § 220-56-180, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-180, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-180, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-180, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-180, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-180, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-180, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-185 Marine area codes.** The term "marine area code numbers" is defined as the catch area for the catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westernmost landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line

from Trial Island (near Victoria, B.C.) - Rosario Strait Traffic Lane Entrance Lighted Buoy R (USCG Light List No. 16340, referenced as Y "R" on National Ocean Service Chart No. 18400-1 dated 1997-08-30 - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #4 on Camano Island (Fl red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

[Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-185, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-185, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-185, filed 3/30/99, effective 5/1/99. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-185, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-185, filed 4/2/91, effective 5/3/91; 89-07-060 (Order 89-12), § 220-56-185, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-185, filed 4/26/88; 85-18-026 (Order 85-111), § 220-56-185, filed 5/27/85; 85-09-017 (Order 85-20), § 220-56-185, filed 4/9/85; 80-03-064 (Order 80-12), § 220-56-185, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-193 Closed season—Endangered Species Act fish classified as threatened.** (1) It is unlawful to fish for or possess any fish listed as threatened in 50 C.F.R. §17.11, pursuant to the federal Endangered Species Act, unless fishing for or possession of such fish is specifically allowed under federal or state law.

[Title 220 WAC—p. 124]

(2) Each fish possessed in violation of this section shall be treated as a separate offense.

(3) Violation of this section is punishable under RCW 77.15.380, unlawful recreational fishing in the second degree, unless such fish are taken in the amounts, place, or manner to constitute unlawful recreational fishing in the first degree, or unless such fish are designated as protected or endangered under state law.

[Statutory Authority: RCW 77.12.047. 02-13-026 (Order 02-125), § 220-56-193, filed 6/12/02, effective 7/13/02.]

**WAC 220-56-194 Closed season—Endangered Species Act fish classified as endangered.** (1) It is unlawful to fish for or possess any fish listed as endangered in 50 C.F.R. §17.11, pursuant to the federal Endangered Species Act, unless fishing for or possession of such fish is specifically allowed under federal or state law.

(2) Each fish possessed in violation of this section shall be treated as a separate offense.

(3) Violation of this section is punishable under RCW 77.15.380, unlawful recreational fishing in the second degree, unless such fish are taken in the amounts, place, or manner to constitute unlawful recreational fishing in the first degree, or unless such fish are designated as protected or endangered under state law.

[Statutory Authority: RCW 77.12.047. 02-13-026 (Order 02-125), § 220-56-194, filed 6/12/02, effective 7/13/02.]

**WAC 220-56-195 Closed areas—Saltwater salmon angling.** The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling July 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded

(2007 Ed.)

on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed July 1 through August 12.

(7) Southern Rosario Strait and eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - September 30.

(8) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

(10) Port Susan - waters north of a line from Camano Head to a boundary marker approximately 1.4 miles northwest of Hermosa Point closed to salmon fishing August 1 through August 31.

(11) Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the lighthouse closed to fishing for salmon August 1 through September 18.

[Statutory Authority: RCW 77.12.047. 05-17-007 (Order 05-168), § 220-56-195, filed 8/3/05, effective 9/3/05; 04-24-030 (Order 04-306), § 220-56-195, filed 11/23/04, effective 12/24/04; 02-15-097 (Order 02-158), § 220-56-195, filed 7/16/02, effective 8/16/02; 01-14-001 (Order 01-107), § 220-56-195, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-195, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-195, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-195, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-56-195, filed 8/27/97, effective

(2007 Ed.)

9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-56-195, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-195, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-195, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-195, filed 6/29/93, effective 7/30/93; 92-11-012 (Order 92-19), § 220-56-195, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-195, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-195, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-195, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-195, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-195, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-195, filed 4/9/85; 83-07-043 (Order 83-16), § 220-56-195, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-195, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-195, filed 2/27/80, effective 4/1/80.]

#### **WAC 220-56-196 Closed areas—Pink salmon angling.** Pink only closures—None.

[Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-196, filed 5/31/95, effective 7/1/95; 89-07-060 (Order 89-12), § 220-56-196, filed 3/16/89; 84-09-026 (Order 84-22), § 220-56-196, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-196, filed 3/17/83.]

#### **WAC 220-56-197 Closed areas—Coho salmon angling.** Coho only closures—None.

[Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-197, filed 2/28/90, effective 3/31/90; 85-09-017 (Order 85-20), § 220-56-197, filed 4/9/85.]

#### **WAC 220-56-199 Closed areas—Chinook salmon angling.** Chinook only closures - None.

[Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-199, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-56-199, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-199, filed 5/31/95, effective 7/1/95; 88-10-013 (Order 88-15), § 220-56-199, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-199, filed 4/9/85.]

#### **WAC 220-56-200 Salmon angling unlawful from commercial vessels.** It shall be unlawful to take, fish for or possess salmon for personal use by angling from any vessel engaged in any type of commercial fishing or having commercially caught food fish aboard.

[Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-200, filed 2/27/80, effective 4/1/80.]

#### **WAC 220-56-210 Fly fishing.** (1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

- (a) A fixed spool reel.
- (b) Fishing line other than conventional fly line, except that other line may be used for backing and leader if it is attached to not less than 25 feet of conventional fly line.
- (c) Hooks that exceed 1/2 inch when measured from point to shank.
- (d) Not more than two flies each with a barbless single hook.
- (e) Bait.
- (f) Weight attached to the leader or line.
- (g) Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(h) It is unlawful to possess fish taken with gear in violation of the provisions of this section. Possession of fish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second

degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(2) "Fly" means a lure on which thread, feathers, hackle, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

(3) Notwithstanding the provisions of this section, persons who have a permanent disability that significantly limits the use of one or both upper extremities may use spinning gear in fly fishing only waters as provided for in this section.

(a) A fisher with a disability must apply for a fly fishing special use permit by presenting a letter from a physician stating that the fisher's disability is permanent and that, because of the inability to use one or both upper extremities, the fisher is physically incapable of using conventional fly fishing gear.

(b) The fisher will be issued a fly fishing special use permit in the form of a wearable tag. The fisher must have the special use permit in his or her possession at all times while using spin casting gear in fly fishing only waters, and may display the permit on outer clothing.

(c) It is lawful for persons in possession of a fly fishing special use permit to use the following gear:

(i) Fishers may use spin casting gear with a casting bubble.

(ii) Monofilament line is permitted with no limit on the breaking strength of the line.

(iii) Hook size and barb restrictions, fishing fly requirements, and bait and weight prohibitions as provided for in this section apply to both conventional fly fishing and spin-bubble fly fishing.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-210, filed 4/11/06, effective 5/12/06; 02-08-048 (Order 02-53), § 220-56-210, filed 3/29/02, effective 5/1/02; 01-06-051 (Order 01-31), § 220-56-210, filed 3/6/01, effective 4/6/01. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-210, filed 1/30/95, effective 5/1/95; 80-03-064 (Order 80-12), § 220-56-210, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-215 Unlawful possession of snagged fish taken in freshwater.** It is unlawful to possess fish taken for personal use from freshwater areas that were not hooked inside the mouth or on the head, the head being defined as all parts of the fish anterior of the rear margin of the gill plate, except this rule does not apply to forage fish taken with forage fish jigger gear.

[Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-56-215, filed 3/4/04, effective 5/1/04. Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-215, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-220 Salmon eggs—Unlawful acts.** It shall be unlawful to remove eggs from any salmon for the purpose of using or preserving them for bait without retaining the carcass of the fish from which they were removed.

[Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-220, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-230 Bottomfish—Closed areas.** It is unlawful to fish for or possess bottomfish taken for personal use from within an eastward facing "C" shaped closed area defined as: Beginning at 48°N, 124°59'W, thence to 48°N, 125°18'W, thence to 48°18'N, 125°18'W, thence to 48°18'N,

124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to the point of origin.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-230, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-230, filed 2/28/90, effective 3/31/90.]

**WAC 220-56-235 Possession limits—Bottomfish.** It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod - 2 fish minimum length 24 inches.

(b) Rockfish - 10 fish. Release all canary and yelloweye rockfish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolfeel - 0 fish from Catch Record Card Area 4.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish except	1 fish May 1 through September 30
in Marine Area 5 west of Slip Point	3 fish of which no more than 1 may be other than black rockfish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	1 fish May 1 through September 30
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 11 and 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish in Area 9 May 1 through September 30 and in Areas 8-1, 8-2, 10, 11 and 13 when lingcod or salmon seasons are open. Rockfish closed in Area 12	1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) Catch Area 12: Closed.

(e) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(f) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(g) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.

(h) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

(i) It is unlawful to retain canary or yelloweye rockfish taken from Catch Record Card Areas 5 through 13.

(j) It is unlawful to take rockfish by spear fishing in Catch Record Card Areas 5 through 13.

(k) In Catch Record Areas 5 through 11 and 13, the daily limit for rockfish is the first legal rockfish caught, except in Area 5 west of Slip Point the daily limit for rockfish is the first three legal rockfish caught, provided that no more than one of the three may be other than black rockfish. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

[Statutory Authority: RCW 77.12.047. 04-17-098 (Order 04-218), § 220-56-235, filed 8/17/04, effective 9/17/04; 04-07-009 (Order 04-39), § 220-56-235, filed 3/4/04, effective 5/1/04; 03-16-100 (Order 03-178), § 220-56-235, filed 8/6/03, effective 9/6/03; 03-05-057 (Order 03-24), § 220-56-235, filed 2/14/03, effective 5/1/03; 02-09-001 (Order 02-53A), § 220-56-235, filed 4/3/02, effective 5/4/02; 01-06-036 (Order 01-24), § 220-56-235, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-17-016 (Order 00-139), § 220-56-235, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-235, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-235, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 98-15-032 (Order 98-119), § 220-56-235, filed 7/7/98, effective 8/7/98; 97-07-078 (Order 97-53), § 220-56-235, filed 3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-235, filed 2/9/96, effective 5/1/96; 95-04-066 (Order 95-10), § 220-56-235, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-235, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-235, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-235, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-235, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-235, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-235, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-235, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-235, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-235, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-235, filed 3/17/83; 80-07-017 (Order 80-45), § 220-56-235, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-235, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-240 Daily limits forage fish and other food fish not otherwise provided for.** It is unlawful for any

(2007 Ed.)

person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

(2) All other food fish not otherwise provided for in this chapter: No limit.

[Statutory Authority: RCW 77.12.047. 01-06-036 (Order 01-24), § 220-56-240, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-240, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080 and 1998 c 191 § 40. 98-24-042 (Order 98-241), § 220-56-240, filed 11/24/98, effective 1/1/99. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-240, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-08-017 (Order 97-53), § 220-56-240, filed 3/25/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-240, filed 2/9/96, effective 5/1/96; 95-04-066 (Order 95-10), § 220-56-240, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-240, filed 7/1/94, effective 8/1/94; 93-22-004 (Order 93-125), § 220-56-240, filed 10/20/93, effective 1/1/94; 93-08-034 (Order 93-20), § 220-56-240, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-240, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-240, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-240, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-240, filed 3/16/89; 88-10-012 (Order 88-14), § 220-56-240, filed 4/26/88; 86-09-020 (Order 86-08), § 220-56-240, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-240, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-240, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-240, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-250 Lingcod—Areas and seasons.** It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through 3 - the Saturday closest to March 16 through the Sunday closest to October 15, (b) Catch Record Card Area 4 west of the Bonilla-Tatoosh line - April 16 through October 15 or the Sunday closest to October 15 if that Sunday is previous to October 15, whichever is earlier, (c) Catch Record Card Area 4 east of the Bonilla-Tatoosh line - April 16 through October 15.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15 by angling and May 21 through June 15 by spear fishing.

[Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 220-56-250, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-250, filed 2/14/03, effective 5/1/03. Statutory Authority: 2000 c 107 § 7. 00-17-016 (Order 00-139), § 220-56-250, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-250, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 92-11-012 (Order 92-19), § 220-56-250, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-250, filed 4/2/91, effective 5/3/91; 89-10-032 (Order 89-26), § 220-56-250, filed 4/27/89; 84-09-026 (Order 84-22), § 220-56-250, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-250, filed 3/17/83; 82-07-047 (Order 82-19), § 220-56-250, filed 3/18/82; 80-07-017 (Order 80-45), § 220-56-250, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-250, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-255 Halibut—Seasons—Daily and possession limits.** (1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Area 1: Open May 1 through September 30. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sable-



fish if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:

(i) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open May 1 through September 30.

(ii) All other waters in Area 2 - Open May 1 through September 30, except closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

(c) Catch Record Card Areas 3 and 4 - Open May 10 through September 30, except closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward facing "C" shaped closed area defined as: Beginning at 48°18'N. lat.; 125°18'W. long., thence to 48°18'N. lat.; 124°59'W. long., thence to 48°11'N. lat.; 124°59'W. long., thence to 48°11'N. lat.; 125°11'W. long., thence to 48°04'N. lat.; 125°11'W. long., thence to 48°04'N. lat.; 124°59'W. long., thence to 48°00'N. lat.; 124°59'W. long., thence to 48°00'N. lat.; 125°18'W. long., thence to the point of origin.

(d) Catch Record Card Area 5 - Open May 26 through July 31, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(e) Catch Record Card Areas 6 through 13 - Open April 14 through June 20, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(2) Daily limit one halibut taken from state and offshore waters, except Canadian waters. See WAC 220-56-156 for limits on Canadian-origin halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit. See WAC 220-56-156 for rules on Canadian-origin halibut possession.

(4) It is unlawful to land halibut outside the catch area in which the halibut were taken, except for Canadian-origin halibut. See WAC 220-56-156 for rules on landing Canadian-origin halibut.

[Statutory Authority: RCW 77.12.047, 06-17-057 (Order 06-199), § 220-56-255, filed 8/10/06, effective 9/10/06; 05-14-035 (Order 05-130), § 220-56-255, filed 6/24/05, effective 7/25/05; 03-05-057 (Order 03-24), § 220-56-255, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-15-081 (Order 99-102), § 220-56-255, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-255, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-255, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-255, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-56-255, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-255, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-255, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-255, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-255, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-255, filed 4/26/88; 85-10-062 (Order 85-39), § 220-56-255, filed 5/1/85; 80-03-064 (Order 80-12), § 220-56-255, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-071.]

**WAC 220-56-262 Atlantic salmon.** It is unlawful to fish for or possess Atlantic salmon except as provided in this section.

(1) There is no minimum size limit for Atlantic salmon taken from anadromous water, and no daily or possession limit.

(2) Atlantic salmon may be taken from all anadromous waters open to trout fishing under Title 77 RCW except marine waters that are not open to salmon fishing under this title, and may be taken from all anadromous waters open to salmon fishing for salmon other than Atlantic salmon.

(3) Once the daily limit of salmon other than Atlantic salmon has been retained, it is unlawful to continue to fish for Atlantic salmon or salmon other than Atlantic salmon.

[Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-56-262, filed 2/26/98, effective 5/1/98.]

**WAC 220-56-265 Forage fish—Lawful gear.** (1) It shall be unlawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use except with hand dip net gear not exceeding 36 inches across the bag frame having a maximum mesh size of five-eighths inch stretched mesh size, and forage fish jigger gear having not more than three treble or nine single hooks.

(2) It is unlawful to use a dip bag net to take forage fish unless the operator of the net holds the handle at all times the netting is in the water.

(3) It is unlawful to operate a dip bag net to harvest forage fish from a vessel under power, or to use more than one forage fish dip net at a time.

(4) Only persons with a disability license may use a hand-operated gate on a dip net while fishing for forage fish.

(5) Forage fish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

(6) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

(7) It is unlawful to possess forage fish taken with gear in violation of the provisions of this section. Possession of forage fish while using gear in violation of the provisions of this section is a rebuttable presumption that the forage fish were taken with such gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the forage fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047, 06-09-021 (Order 06-67), § 220-56-265, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-265, filed 2/14/06, effective 5/1/06; 03-05-057 (Order 03-24), § 220-56-265, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-265, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-56-265, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-56-265, filed 1/30/95, effective 5/1/95; 88-10-013 (Order 88-15), § 220-56-265, filed 4/26/88; 80-03-064 (Order 80-12), § 220-56-265, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-267 Herring—Areas and seasons.** Herring fishing is open in all state waters year around except:

(1) Those waters of Catch Record Card Area 6 south of a line from Ediz Hook to Partridge Point are closed January 16 through April 15.

(2) Those waters of Catch Record Card Area 7 north of a line from Sandy Point through Patos Island to the United States-Canada boundary are closed year-round.

(3) Catch Record Card Area 12 is closed year-round.

[Statutory Authority: RCW 77.12.047, 04-17-098 (Order 04-218), § 220-56-267, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080

and 77.12.040. 99-08-029 (Order 99-13), § 220-56-267, filed 3/30/99, effective 5/1/99.]

**WAC 220-56-270 Smelt—Areas and seasons.** (1) Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers concurrent with a salmon or gamefish opening, except closed in the Columbia River and tributaries.

(2) Smelt fishing is open in Puget Sound and the Strait of Juan de Fuca the entire year except closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear and closed year-round in Catch Record Card Area 12. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) It is unlawful to possess smelt taken with gear in violation of the provisions of this section. Possession of smelt while using gear in violation of the provisions of this section is a rebuttable presumption that the smelt were taken with such gear. Possession of such smelt is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the smelt are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-270, filed 4/11/06, effective 5/12/06; 04-17-098 (Order 04-218), § 220-56-270, filed 8/17/04, effective 9/17/04; 02-08-048 (Order 02-53), § 220-56-270, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-56-270, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-270, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 93-08-034 (Order 93-20), § 220-56-270, filed 3/31/93, effective 5/1/93; 80-03-064 (Order 80-12), § 220-56-270, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-070.]

**WAC 220-56-275 Smelt—Unlawful acts.** It shall be unlawful for any person taking smelt for personal use to fail to retain all smelt caught up to the daily limit.

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-275, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-275, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-070.]

**WAC 220-56-280 Carp—Lawful gear and seasons.** (1) It shall be unlawful to take, fish for and possess in any quantity carp taken for personal use except by angling or spearing or with bow and arrow. Violation of this subsection is an infraction, punishable under RCW 77.15.160. It is unlawful to possess carp taken with gear in violation of the provisions of this section. Possession of carp while using gear in violation of the provisions of this section is a rebuttable presumption that the carp were taken with such gear. Possession of such carp is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the carp are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(2) It is unlawful to fish for or possess carp taken from water not open to the taking of gamefish or salmon.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-280, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-280, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-280, filed 2/27/80, effective 4/1/80.]

(2007 Ed.)

**WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts.** (1) It is lawful to fish for sturgeon the entire year in saltwater, but open in freshwater only concurrent with a salmon or gamefish opening unless otherwise provided.

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal-use limit of five sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and one single barbless hook. It is lawful to use artificial scent with bait when fishing for sturgeon. Violation of this subsection is an infraction, punishable under RCW 77.15.160. It is unlawful to possess sturgeon taken with gear in violation of the provisions of this section. Possession of sturgeon while using gear in violation of the provisions of this section is a rebuttable presumption that the sturgeon were taken with such gear. Possession of such sturgeon is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-282, filed 4/11/06, effective 5/12/06; 05-05-035 (Order 05-15), § 220-56-282, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-282, filed 3/4/04, effective 5/1/04; 03-21-133 (Order 03-273), § 220-56-282, filed 10/21/03, effective 4/1/04; 03-18-006 (Order 03-209), § 220-56-282, filed 8/20/03, effective 9/20/03; 02-08-048 (Order 02-53), § 220-56-282, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-282, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-282, filed 1/30/95, effective 5/1/95; 91-08-054

(Order 91-13), § 220-56-282, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-282, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-282, filed 3/16/89.]

**WAC 220-56-285 Shad—Areas and seasons.** It is lawful to fish for or possess shad taken for personal use concurrent with a salmon or gamefish opening, except Columbia River waters downstream from Bonneville Dam are closed to shad fishing April 1 through May 15.

[Statutory Authority: RCW 77.12.047, 02-08-048 (Order 02-53), § 220-56-285, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-285, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-56-285, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 95-12-027 (Order 95-46), § 220-56-285, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-285, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-285, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-285, filed 5/12/92, effective 6/12/92; 88-10-012 (Order 88-14), § 220-56-285, filed 4/26/88; 83-07-043 (Order 83-16), § 220-56-285, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-285, filed 6/9/82; 81-05-027 (Order 81-13), § 220-56-285, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-285, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-072.]

**WAC 220-56-310 Shellfish—Daily limits.** It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters: 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.

(6) Rock scallops: 12 scallops.

(7) Weathervane scallops: 12 scallops (over 4 inches).

(8) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.

(9) Shrimp: In all waters - First Saturday in May through May 31, daily limit 80 shrimp. During all other open periods total weight 10 pounds, maximum 80 spot shrimp as part of the 10 pound limit. Spot shrimp: First Saturday in May through May 31 in all waters and in Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line during the remainder of the year, no minimum size; June 1 through October 15 in Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace.

(10) Octopus: 1 octopus.

(11) Pinto abalone: Closed statewide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid other than Humboldt squid: 10 pounds or 5 quarts. In addition a person may retain up to 5 Humboldt squid per day.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In Area 1 except when fishing from the north jetty of the Columbia River and Areas 2, 3, and 4 west of the Bonilla-Tatoosh line - 6 male crabs.

(b) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13 - 5 male crabs.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, or when fishing from the north jetty of the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Mussels: 10 pounds in the shell, in the aggregate.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed statewide.

(24) Tanner crabs: 6 crabs.

[Statutory Authority: RCW 77.12.047, 06-05-085 (Order 06-23), § 220-56-310, filed 2/14/06, effective 5/1/06; 05-12-007 (Order 05-102), § 220-56-310, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-310, filed 2/10/05, effective 5/1/05; 04-17-088 (Order 04-217), § 220-56-310, filed 8/16/04, effective 9/16/04; 04-07-009 (Order 04-39), § 220-56-310, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 220-56-310, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-310, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-310, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-310, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-310, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-310, filed 3/19/97, effective 5/1/97; 95-04-066 (Order 95-10), § 220-56-310, filed 1/30/95, effective 5/1/95; 93-08-034 (Order 93-20), § 220-56-310, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-310, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-310, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-310, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-310, filed 5/25/88, effective 8/22/88; 88-10-013 (Order 88-15), § 220-56-310, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-310, filed 4/21/87; 86-24-046 (Order 86-190), § 220-56-310, filed 11/26/86; 86-09-020 (Order 86-08), § 220-56-310, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-310, filed 6/5/85; 84-09-026 (Order 84-22), § 220-56-310, filed 4/11/84; 83-04-027 (Order 83-06), § 220-56-310, filed 1/27/83; 82-07-047 (Order 82-19), § 220-56-310, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-310, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-312 Shellfish—Possession limits.** It is unlawful for any one person to possess at any time more than one daily limit of fresh shellfish. Additional shellfish may be possessed in a frozen or processed form.

[Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-56-312, filed 1/30/95, effective 5/1/95; 86-09-020 (Order 86-08), § 220-56-312, filed 4/9/86.]

**WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts.** (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters it is unlawful to use at any one time more than two units of crab gear and two additional units of shrimp gear.

(b) It is unlawful for the operator of any boat from which shrimp pots are set or pulled in Catch Record Card Areas 4 through 13 to have on board or to fish more than four shrimp pots.

(c) In the Columbia River it is unlawful to use more than three units of crab gear.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot. It is unlawful to have more than one unit of unattended gear attached to a buoy line or to fail to have a separate buoy for each unit of gear.

(9) In waters open only on certain days or certain hours during the day, except for the night closure set out in subsection (10) of this section, it is unlawful to fail to remove gear from the water when fishing for shellfish is not allowed, and it is unlawful to fail to remove gear from the water by one hour after sunset if fishing is not allowed on the next calendar day. In waters that are open continuously except for the night closure set out in subsection (10) of this section, gear may be left in the water during the night closure.

(10) It is unlawful to set or pull shellfish pots, ring nets or star traps from a vessel in Catch Record Card Areas 1-13 from one hour after official sunset to one hour before official sunrise.

(11) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047, 05-12-007 (Order 05-102), § 220-56-315, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-315, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-315, filed 3/4/04, effective 5/1/04; 02-19-014 (Order 02-224), § 220-56-315, filed 9/6/02, effective 10/7/02; 02-08-048 (Order 02-53), § 220-56-315, filed 3/29/02, effective 5/1/02; 01-07-024 (Order 01-39), § 220-56-315, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-315, filed 3/29/00, effective 5/1/00; 98-06-031, § 220-56-315, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 94-14-069, § 220-56-315, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-315, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-315, filed 5/12/92, effective 6/12/92; 89-07- (2007 Ed.)

060 (Order 89-12), § 220-56-315, filed 3/16/89; 81-05-027 (Order 81-13), § 220-56-315, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-315, filed 2/27/80, effective 4/1/80.]

#### **WAC 220-56-320 Shellfish gear—Unlawful acts. (1)**

It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy. It is unlawful to violate the following provisions regarding unattended shellfish gear:

(a) Unattended shellfish gear must have the line attaching the buoy to the gear weighted sufficiently to prevent the line from floating on the water's surface.

(b) All buoys must consist of durable material and remain visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, anti-freeze or detergent bottles, paint cans or any other container.

(c) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(d) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) It is unlawful for the maximum perimeter of any shrimp pot to exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter in all waters except in the Columbia River the escape ring minimum size is 4 inches inside diameter. It is unlawful to use mesh size for crab pots less than 1-1/2 inches.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear during the month of May in Area 4 east of the Bonilla-Tatoosh line and in Areas 5 through 13, and year-round in Area 4 west of the Bonilla-Tatoosh line and Areas 1 through 3 unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh opening except for flexible (web) mesh pots where the opening must be a minimum of one and three-quarters inch stretch measure.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) It is unlawful to set shellfish pots in a manner that they are not covered by water at all times.

(7) June 1 through October 15 in Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, it is unlawful to use mesh size for shrimp pots less than one-half inch except in entrance tunnels except for flexible (web) mesh pots where the opening must be a minimum of one and one-eighths inch stretch measure.

(8) It is unlawful to fish for crab using shellfish pot gear greater in volume than thirteen cubic feet.

(9) Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160, except failure to use untreated cotton twine as provided for in subsection (5) of this section remains a misdemeanor punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty.

(10) It is unlawful to possess shellfish taken with gear in violation of the provisions of this section. Possession of shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with such gear. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.-370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-320, filed 4/11/06, effective 5/12/06; 06-05-085 (Order 06-23), § 220-56-320, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-320, filed 2/10/05, effective 5/1/05; 03-05-057 (Order 03-24), § 220-56-320, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-320, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-56-320, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-320, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-320, filed 3/19/97, effective 5/1/97; 94-14-069, § 220-56-320, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-320, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-320, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-320, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-320, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-320, filed 5/25/88, effective 8/22/88; 87-09-066 (Order 87-16), § 220-56-320, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-320, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-320, filed 4/11/84; 82-07-047 (Order 82-19), § 220-56-320, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-320, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-320, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-088.]

**WAC 220-56-325 Shrimp—Areas and seasons.** It is unlawful to fish for or possess shrimp taken for personal use

from the following areas, except as otherwise provided in this section:

(1) Discovery Bay, Port Angeles, and Port Townsend Shrimp Districts, and Marine Areas 8, 9, 10 and 11 - Open 7:00 a.m. through 3:00 p.m., beginning the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week except it is lawful for divers to take shrimp by hand or hand-held device from 7:00 p.m. until midnight on any open day in May in Marine Area 8-2;

(2) Hood Canal Shrimp District - Open 9:00 a.m. through 1:00 p.m., the first Saturday in May through May 31 and open only on Wednesday and Saturday of each week;

(3) Marine Area 4 east of the Bonilla-Tatoosh line and Marine Areas 5, 6, 7 and 13, except for Shrimp Districts - Open 7:00 a.m. the first Saturday in May through May 31 and open daily except closed in Sequim Bay Shrimp District and Carr Inlet Shrimp District.

(4) Beginning June 1 through October 15 in Marine Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, shrimp fishing is open daily except closed in Area 10 and the shrimp districts at all times. Unlawful to retain spot shrimp.

(5) Marine Areas 1 through 3 and Marine Area 4 west of the Bonilla-Tatoosh line - Open year-round.

[Statutory Authority: RCW 77.12.047. 06-05-085 (Order 06-23), § 220-56-325, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-325, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-325, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-325, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-325, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-325, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-325, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-325, filed 3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-325, filed 2/9/96, effective 5/1/96; 93-08-034 (Order 93-20), § 220-56-325, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-325, filed 3/16/89; 86-09-020 (Order 86-08), § 220-56-325, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-325, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-325, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-084.]

**WAC 220-56-326 Shrimp containers.** In the field, it is unlawful for each person harvesting shrimp to fail to use a separate container to hold his or her catch and the container must be in the harvester's presence or identified with the harvester's name. Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-326, filed 4/11/06, effective 5/12/06; 05-05-035 (Order 05-15), § 220-56-326, filed 2/10/05, effective 5/1/05. Statutory Authority: RCW 75.08.080. 96-05-004 (Order 96-13), § 220-56-326, filed 2/9/96, effective 5/1/96.]

**WAC 220-56-330 Crab—Areas and seasons.** (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

(a) Marine Area 4 east of the Bonilla-Tatoosh line, and Areas 5 and 13 - Open 7:00 a.m., June 18 through the last day in February.

(b) Waters of Area 6, those waters of Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence due west to the international boundary; westerly of a straight line from the northernmost tip of Sinclair Island through

Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point, and waters of Areas 8-1, 8-2, 9, 10, 11 and 12 - Open 7:00 a.m. July 1 through September 3, open only Wednesday through Saturday of each week, and open Sunday, September 4 and Monday, September 5.

(c) Those contiguous waters of Marine Area 7 north, south and east of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and a line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island (southeast Hale Pass, Bellingham Bay, Samish Bay, Padilla Bay, eastern waters of Bellingham Channel, Guemes Channel and Fidalgo Bay) - Open 7:00 a.m. July 16 through September 30, and open only Wednesday through Saturday of each week except also open Sunday, September 4 and Monday, September 5.

(d) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island - Open 7:00 a.m. August 17 through September 30, and open only Wednesday through Saturday of each week except also open Sunday, September 4 and Monday, September 5.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period December 1 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end of the south jetty is open to crab fishing for personal use year-round.

[Statutory Authority: RCW 77.12.047, 05-12-007 (Order 05-102), § 220-56-330, filed 5/19/05, effective 6/19/05; 05-05-035 (Order 05-15), § 220-56-330, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-330, filed 3/4/04, effective 5/1/04; 01-06-036 (Order 01-24), § 220-56-330, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-330, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-330, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-330, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-330, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-330, filed 5/13/96, effective 6/13/96; 93-08-034 (Order 93-20), § 220-56-330, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-330, filed 2/28/90, effective 3/31/90; 86-09-020 (Order 86-08), § 220-56-330, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-330, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-330, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-330, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

**WAC 220-56-335 Crab—Unlawful acts.** (1) It is unlawful for any person to take or possess for personal use any female Dungeness crabs.

(2) It is unlawful to take or possess any male Dungeness crabs taken for personal use which measure less than the following sizes:

(2007 Ed.)

(a) In Puget Sound (all contiguous waters east of the Bonilla-Tatoosh Line) - 6 1/4 inch minimum size.

(b) In coastal waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters except when fishing from the north jetty of the Columbia River, Grays Harbor, Willapa Bay - 6 inch minimum size.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, and when fishing from the north jetty of the Columbia River - 5 3/4 inch minimum size.

(3) It is unlawful to take or possess any red rock crabs taken for personal use that measure less than five inches.

(4) All measurement shall be made at the widest part of the shell (caliper measurement) immediately in front of the points (tips).

(5) It is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

[Statutory Authority: RCW 77.12.047, 04-07-009 (Order 04-39), § 220-56-335, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 220-56-335, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 220-56-335, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-56-335, filed 1/30/95, effective 5/1/95; 93-08-034 (Order 93-20), § 220-56-335, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-335, filed 5/12/92, effective 6/12/92; 88-10-013 (Order 88-15), § 220-56-335, filed 4/26/88; 86-09-020 (Order 86-08), § 220-56-335, filed 4/9/86; 85-07-023 (Order 85-18), § 220-56-335, filed 3/13/85; 80-03-064 (Order 80-12), § 220-56-335, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-336 Crawfish—Areas and seasons.** The open season for crawfish is the first Monday in May through October 31.

[Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-336, filed 3/19/97, effective 5/1/97.]

**WAC 220-56-340 General provisions—Clams, cockles, mussels—Gear.** (1)(a) It is unlawful to take, dig for and possess clams (excluding razor clams), cockles, and mussels taken for personal use except by hand or with hand-operated forks, picks, mattocks, rakes and shovels. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(b) It is unlawful to take, dig for and possess razor clams taken for personal use except by hand, shovels or with cylindrical cans, tubes or hinged digging devices. The opening of tubes or cans must be either circular or elliptical with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter. The hinged digging device when opened in a cylindrical position, must have a minimum outside diameter of 4 inches at the bottom. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) Any newly designed or modified digging device intended for the recreational use of razor clams must receive the specific approval of the director of fish and wildlife.

(3) In the field each digger, including holders of razor clam disability permits, must have his or her daily limit in a separate container. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(4) It is unlawful to possess shellfish taken with gear that violates the provisions of this section. Possession of shellfish

while using gear in violation of the provisions of this section is a rebuttable presumption that the shellfish were taken with such gear. Possession of such shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.-370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047, 06-09-021 (Order 06-67), § 220-56-340, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080, 95-04-066 (Order 95-10), § 220-56-340, filed 1/30/95, effective 5/1/95; 86-09-020 (Order 86-08), § 220-56-340, filed 4/9/86; 82-07-047 (Order 82-19), § 220-56-340, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-340, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-340, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

**WAC 220-56-350 Clams other than razor clams, mussels—Areas and seasons.** (1) It is lawful to take, dig for and possess clams and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Ala Spit: Open May 1 through May 31.
- (b) Belfair State Park: Closed the entire year.
- (c) Cama Beach State Park: Closed the entire year.
- (d) Camano Island State Park: Closed the entire year.
- (e) Dosewallips State Park: Open May 15 through July 31 only in area defined by boundary markers and signs posted on the beach.
- (f) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.
- (g) Eagle Creek: Closed the entire year.
- (h) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through July 15.
- (i) Freeland County Park - Open January 1 through May 15.
- (j) Frye Cove County Park - Open January 1 through June 15.
- (k) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.
- (l) Gertrude Island - All tidelands at Gertrude Island closed the entire year.
- (m) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.
- (n) Hope Island State Park (South Puget Sound): Open April 1 through May 31.
- (o) Illahee State Park: April 1 through July 31.
- (p) Kayak Point County Park: Closed the entire year.
- (q) Kitsap Memorial State Park: Open May 15 through June 15.
- (r) Kopachuck State Park: Open June 1 through July 31.
- (s) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (t) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- (u) Mukilteo State Park - Closed the entire year.
- (v) Mystery Bay State Park: Open October 1 through April 30.

(w) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(x) Oak Bay County Park: Open July 1 through July 31.

(y) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open the entire year.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(z) Penrose Point State Park: Open March 1 through May 31.

(aa) Picnic Point County Park: Closed the entire year.

(bb) Pitship Point: Closed the entire year.

(cc) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(dd) Point Whitney (excluding Point Whitney Lagoon): March 1 through July 31.

(ee) Point Whitney Lagoon: Open August 1 through August 31.

(ff) Port Townsend Ship Canal/Portage Canal: Open January 1 through May 31.

(gg) Potlatch DNR tidelands: April 1 through August 31.

(hh) Potlatch East: April 1 through August 31.

(ii) Potlatch State Park: April 1 through August 31.

(jj) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(kk) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.

(ll) Rendsland Creek: Open January 1 through May 31.

(mm) Saltwater State Park: Closed the entire year.

(nn) Scenic Beach State Park - April 15 through May 15.

(oo) Seahurst County Park: Closed the entire year.

(pp) Sequim Bay State Park - Open May 1 through June 15.

(qq) Shine Tidelands State Park: Open January 1 through May 15.

(rr) South Indian Island County Park: April 1 through August 31.

(ss) Spencer Spit State Park: Open March 1 through July 31.



(tt) Triton Cove Tidelands: Open July 1 through August 15.

(uu) Twanoh State Park: Closed the entire year.

(vv) West Dewatto: DNR Beach 44A open January 1 through May 31.

(ww) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

(xx) Wolfe Property State Park: Open January 1 through May 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

[Statutory Authority: RCW 77.12.047. 06-05-085 (Order 06-23), § 220-56-350, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-350, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-350, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-350, filed 2/14/03, effective 5/1/03; 02-17-019 (Order 02-193), § 220-56-350, filed 8/9/02, effective 9/9/02; 02-08-048 (Order 02-53), § 220-56-350, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-350, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-350, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-350, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-350, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-350, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-350, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-350, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-350, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-350, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-350, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-350, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-350, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-350, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-350, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-350, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-350, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-350, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-350, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-350, filed 6/5/85; 83-07-043 (Order 83-16), § 220-56-350, filed 3/17/83; 81-05-027 (Order 81-13), § 220-56-350, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-350, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

**WAC 220-56-355 Clams—Unlawful acts.** (1) It shall be unlawful for any person digging clams other than razor clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(2) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(3) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell except minimum size 1-1/4 inches if taken from public tidelands on the west side of Quilcene Bay north of the county boat ramp.

(4) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or (2007 Ed.)

condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.

(5) Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 02-17-019 (Order 02-193), § 220-56-355, filed 8/9/02, effective 9/9/02; 02-08-048 (Order 02-53), § 220-56-355, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-355, filed 3/19/97, effective 5/1/97; 89-07-060 (Order 89-12), § 220-56-355, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-355, filed 4/26/88; 80-03-064 (Order 80-12), § 220-56-355, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

#### **WAC 220-56-360 Razor clams—Areas and seasons.**

(1) It is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in Razor Clam Areas 1, 2, and 3 except as provided for by emergency regulation adopted by the director.

(2) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors, or Copalis Beach Razor Clam Sanctuaries as defined in WAC 220-56-372.

[Statutory Authority: RCW 75.08.080. 92-11-012 (Order 92-19), § 220-56-360, filed 5/12/92, effective 6/12/92; 87-09-066 (Order 87-16), § 220-56-360, filed 4/21/87; 85-19-067 (Order 85-134), § 220-56-360, filed 9/17/85; 85-12-007 (Order 85-51), § 220-56-360, filed 5/23/85; 83-07-043 (Order 83-16), § 220-56-360, filed 3/17/83; 83-04-026 (Order 83-05), § 220-56-360, filed 1/27/83; 83-01-025 (Order 82-220), § 220-56-360, filed 12/8/82; 82-07-047 (Order 82-19), § 220-56-360, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-360, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-365 Razor clams—Unlawful acts.** It is unlawful to return any razor clams to the beach or water regardless of size or condition, and all razor clams taken for personal use must be retained by the digger as a part of his or her daily limit.

[Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-365, filed 1/30/95, effective 5/1/95; 86-09-020 (Order 86-08), § 220-56-365, filed 4/9/86; 81-05-027 (Order 81-13), § 220-56-365, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-365, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-372 Razor clam sanctuaries.** The following areas are hereby set aside for experimental purposes by the department of fisheries razor clam enhancement project. As need arises in the future, specific sections of these areas will be closed to public use.

(1) Long Beach - from a point beginning 2.7 miles north of the Oysterville approach - north for one quarter mile (1,320 feet).

(2) Twin Harbors Beach - from a line extending westward from the middle of the county line approach south for one quarter mile (1,320 feet).

(3) Copalis Beach - from a point beginning four-tenths of a mile south of the Ocean City approach (2nd Ave.) and extending south for one quarter mile (1,320 feet).

[Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-372, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 96-05-004 (Order 96-13), § 220-56-372, filed 2/9/96, effective 5/1/96; 87-09-066 (Order 87-16), § 220-56-372, filed 4/21/87; 83-07-043 (Order 83-16), § 220-56-372, filed 3/17/83; 82-07-047 (Order 82-19), § 220-56-372, filed 3/18/82; 80-13-064 (Order 80-123), § 220-56-372, filed 9/17/80.]

**WAC 220-56-375 Oysters and scallops—Gear.** (1) It shall be lawful to take, fish for and possess oysters and scal-



lops taken for personal use by hand or with the aid of a hand-held manually operated prying tool. It is unlawful to use a hammer, mallet or other object to strike oysters and rock scallops during the removal process. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It is unlawful to possess oysters taken with gear that violates the provisions of this section. Possession of oysters while using gear in violation of the provisions of this section is a rebuttable presumption that the oysters were taken with such gear. Possession of such oysters is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the oysters are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047, 06-09-021 (Order 06-67), § 220-56-375, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-375, filed 3/19/97, effective 5/1/97; 80-03-064 (Order 80-12), § 220-56-375, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-380 Oysters—Areas and seasons.** It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- (1) Brown Point (DNR 57-B): Closed the entire year.
- (2) Cushman Park - Open May 1 through May 31.
- (3) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through July 15.
- (4) Frye Cove County Park: Open January 1 through June 15.
- (5) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.
- (6) Hope Island State Park (South Puget Sound): Open April 1 through May 31.
- (7) Illahee State Park: Open April 1 through July 31.
- (8) Kitsap Memorial State Park: Open May 15 through July 15.
- (9) Kopachuck State Park: Open March 1 through July 31.
- (10) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.
- (11) Mystery Bay State Park: Open October 1 through April 30.
- (12) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.
- (13) Oak Bay County Park: Open July 1 through July 31.
- (14) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(a) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers - open the entire year.

(b) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(c) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(15) Penrose Point State Park: Open March 1 through May 31.

(16) Port Townsend Ship Canal/Portage Canal: Open January 1 through May 31.

(17) Potlatch DNR Tidelands: April 1 through August 31.

(18) Potlatch East: Open April 1 through August 31.

(19) Potlatch State Park: Open April 1 through August 31.

(20) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.

(21) Scenic Beach State Park: Open April 15 through May 15.

(22) Shine Tidelands State Park: Open January 1 through May 15.

(23) South Indian Island County Park: April 1 through August 31.

(24) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(25) Wolfe Property State Park: Open January 1 through May 15.

[Statutory Authority: RCW 77.12.047, 06-05-085 (Order 06-23), § 220-56-380, filed 2/14/06, effective 5/1/06; 05-05-035 (Order 05-15), § 220-56-380, filed 2/10/05, effective 5/1/05; 04-07-009 (Order 04-39), § 220-56-380, filed 3/4/04, effective 5/1/04; 03-05-057 (Order 03-24), § 220-56-380, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-380, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-380, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7, 00-16-091 (Order 00-134), § 220-56-380, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 220-56-380, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-380, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-380, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080, 97-07-078 (Order 97-53), § 220-56-380, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-380, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-380, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-380, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-380, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-380, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-380, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-380, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-380, filed 3/16/89; 88-10-012 and 88-10-013 (Orders 88-14 and 88-15), § 220-56-380, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-380, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-380, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-380, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-380, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-380, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-380, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-380, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-086.]

**WAC 220-56-382 Oysters and clams on private tidelands—Personal use.** (1) WAC 220-56-340 through 220-56-355, 220-56-375 through 220-56-380 and 220-56-385 shall not apply to private tideland owners or lessees of state tidelands or immediate family members taking or possessing

oysters, clams, cockles, borers and mussels for personal use from their own tidelands or leased state tidelands.

(2) This section shall not apply to razor clams.

[Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-382, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-382, filed 3/31/93, effective 5/1/93; 86-09-020 (Order 86-08), § 220-56-382, filed 4/9/86; 80-13-064 (Order 80-123), § 220-56-382, filed 9/17/80.]

**WAC 220-56-385 Oysters—Unlawful acts.** Oysters taken for personal use from the contiguous Puget Sound waters or beaches of the state of Washington south of a line from Tala Point to Foulweather Bluff and waters or beaches of the Pacific Ocean, Grays Harbor or Willapa Bay must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which originally taken and it shall be unlawful for any person to fail to do so.

[Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-385, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 80-03-064 (Order 80-12), § 220-56-385, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-390 Squid, octopus.** (1) It is lawful to take, fish for or possess squid and octopus the entire year except closed year-round in Catch Record Card Area 12.

(2) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) It is unlawful to take octopus except by hand or by any instrument which will not penetrate or mutilate the body except that it is lawful to retain octopus taken while angling with hook and line gear. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(4) It is unlawful to possess squid or octopus taken with gear that violates the provisions of this section. Possession of squid or octopus while using gear in violation of the provisions of this section is a rebuttable presumption that the squid or octopus were taken with such gear. Possession of such squid or octopus is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the squid or octopus are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 220-56-390, filed 4/11/06, effective 5/12/06; 04-17-098 (Order 04-218), § 220-56-390, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-390, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-390, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-390, filed 3/31/93, effective 5/1/93; 83-07-043 (Order 83-16), § 220-56-390, filed 3/17/83; 82-07-047 (Order 82-19), § 220-56-390, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-390, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-400 Abalone.** It is unlawful to fish for or possess abalone taken for personal use the entire year.

[Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-400, filed 7/1/94, effective 8/1/94; 92-11-012 (Order 92-19), § 220-56-400, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-400, filed 2/28/90, effective 3/31/90; 86-09-020 (Order 86-08), § 220-56-400, filed 4/9/86; 85-09-017

(2007 Ed.)

(Order 85-20), § 220-56-400, filed 4/9/85; 80-03-064 (Order 80-12), § 220-56-400, filed 2/27/80, effective 4/1/80.]

**WAC 220-56-405 Sea urchins.** (1) It is lawful to fish for sea urchins for personal use the entire year.

(2) It shall be lawful to take, fish for and possess sea urchins for personal use with any hand-operated instrument which does not penetrate the shell.

[Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-405, filed 7/1/94, effective 8/1/94; 80-03-064 (Order 80-12), § 220-56-405, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-090.]

**WAC 220-56-410 Sea cucumbers.** (1) It is lawful to fish for sea cucumbers for personal use the entire year except closed year-round in Catch Record Card Area 12.

(2) It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.

[Statutory Authority: RCW 77.12.047. 04-17-098 (Order 04-218), § 220-56-410, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-410, filed 7/1/94, effective 8/1/94; 80-03-064 (Order 80-12), § 220-56-410, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-090.]

**WAC 220-56-415 Goose barnacles.** It is lawful to take goose barnacles for personal use the entire year.

[Statutory Authority: RCW 75.08.080. 94-14-069, § 220-56-415, filed 7/1/94, effective 8/1/94.]

**WAC 220-56-500 Game fish seasons.** It is unlawful to fish for game fish except during open seasons or open time periods.

(1) Freshwater lakes, ponds and reservoirs: Open year round except as provided for in WAC 232-28-619.

(2) Freshwater rivers, streams and beaver ponds: Open June 1 through October 31 except as provided for in WAC 232-28-619.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-16-245 and specifically defined in WAC 220-56-105): Open year round, except:

(a) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(c) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through August 31.

(d) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

[Statutory Authority: RCW 77.12.047. 06-13-023 (Order 06-135), § 220-56-500, filed 6/13/06, effective 7/14/06.]

**WAC 220-56-510 Game fish possession limits and size limits.** It is unlawful to retain or possess game fish taken in excess of the daily, possession, or license year possession limits, or game fish that do not conform to the size limits provided for in this section, unless otherwise provided for in WAC 232-28-619.

(1) Daily game fish possession and size limits:

Species	Daily limit	Size limits
Bass	5	Release bass 12 to 17 inches in length. Not more than 1 bass 17 inches in length or greater may be retained.
Burbot	5	No size restriction.
Channel catfish	5	No size restriction.
Eastern brook trout	Count as part of the 5 trout daily limit in lakes, ponds and reservoirs. Bonus limit in rivers, streams and beaver ponds. Up to 5 trout including Eastern brook trout may be retained, but not more than 2 of which may be trout other than Eastern brook trout.	No size restriction.
Grass carp	Unlawful to retain.	Not applicable.
Trout (except Eastern brook trout)	5 from lakes, ponds and reservoirs. 2 from rivers, streams, and beaver ponds. The daily trout limit is 5 trout, regardless of origin, of which not more than 2 may be steelhead.	No size restriction. 8-inch minimum size.
Walleye	5	16-inch minimum size. Not more than 1 walleye greater than 22 inches in length may be retained.
Whitefish	15	No size restriction.
All other game fish	No limit.	No size restriction.

(2) Possession limit: The game fish possession limit in the field is two daily limits in fresh, frozen or processed form.

(3) Wild steelhead and Dolly Varden/bull trout: Except as provided for in this section and WAC 232-28-619, it is unlawful to retain wild steelhead or Dolly Varden.

(4) Wild steelhead license year limit: From waters in which wild steelhead may be taken as provided for in WAC 232-28-619, the license year limit is one wild steelhead.

(5) Total steelhead license year limit: The license year limit is thirty steelhead in total.

(6) Saltwater game fish retention: Game fish taken in saltwater may not be retained, except that up to two hatchery steelhead per day may be retained.

[Statutory Authority: RCW 77.12.047. 06-13-023 (Order 06-135), § 220-56-510, filed 6/13/06, effective 7/14/06.]

## Chapter 220-60 WAC OYSTERS AND CLAMS—SALES FROM STATE RESERVES

### WAC

220-60-010	Publishing notice of sale.
220-60-020	Director to designate time and place of harvest from reserves.
220-60-040	Loads to be measured.
220-60-050	Payment.
220-60-060	Oyster growers' associations.
220-60-070	Purchasers' licenses.
220-60-080	Director may limit use of licenses.
220-60-090	Director to establish sale prices.
220-60-110	Other unlawful conduct.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-60-001	Promulgation. [Order 248, Promulgation, filed 3/1/60.] Repealed by Order 1179, filed 11/19/74.
220-60-030	Director to designate place of taking. [Order 248, § 3, filed 3/1/60.] Repealed by 85-24-045 (Order 85-190), filed 11/27/85. Statutory Authority: RCW 75.08.080.
220-60-100	No resales or processing by purchaser within twenty days. [Order 248, § 10, filed 3/1/60.] Repealed by Order 1179, filed 11/19/74.
220-60-120	Director's agent may issue instructions. [Order 248, § 12, filed 3/1/60.] Repealed by 85-24-045 (Order 85-190), filed 11/27/85. Statutory Authority: RCW 75.08.080.

**WAC 220-60-010 Publishing notice of sale.** Sales of oysters and/or clams from the oyster reserves of the state in excess of 50 bushels shall take place only after notice of such sales has been published in one newspaper of general circulation in the area in which such sales shall take place.

[Statutory Authority: RCW 77.12.047. 04-01-054 (Order 03-307), § 220-60-010, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-010, filed 11/27/85; Order 248, § 1, filed 3/1/60.]

**WAC 220-60-020 Director to designate time and place of harvest from reserves.** All harvesting of oysters shall take place under the supervision of the director or his authorized agent, and such harvesting shall be accomplished only at such times and in such areas as may be specified in writing by such authorized agent of the director, or by the director.

[Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-020, filed 11/27/85; Order 1179, § 220-60-020, filed 11/19/74; Order 248, § 2, filed 3/1/60.]

**WAC 220-60-040 Loads to be measured.** Before each scow, or dredge, or other conveyance, containing oysters or clams leaves any state oyster reserve, the person in charge of such scow or dredge shall contact the nearest authorized agent of the director for measuring the load. Such load shall not be removed from the reserve without permission of the director or his authorized agent. Invoices will be issued in triplicate, showing the number of bushels and/or pounds in each such load. One copy of such invoice shall be given to the

buyer, one copy shall be forwarded to the central office of the department, and the third copy shall be retained by the authorized agent of the director.

[Order 248, § 4, filed 3/1/60.]

**WAC 220-60-050 Payment.** All purchasers of oysters or clams from any of the state oyster reserves shall make remittance for purchases by bank draft or check payable to the treasurer of the state of Washington, and shall render such payment to the authorized agent of the director by Friday of each week for invoices of the previous week.

[Order 1179, § 220-60-050, filed 11/19/74; Order 248, § 5, filed 3/1/60.]

**WAC 220-60-060 Oyster growers' associations.** Any organized oyster growers' association may at its discretion appoint a qualified representative to be present at any or all times during purchases of oysters and/or clams from state oyster reserves. Such representative shall have access to the department's boat and all records pertaining to such sales. Any expenses of such representative shall not be borne by the department of fisheries.

[Order 248, § 6, filed 3/1/60.]

**WAC 220-60-070 Purchasers' licenses.** All purchasers of oysters or clams from any of the state oyster reserves shall, in advance of the removal of any oysters and/or clams from any such reserve, obtain from the department an oyster reserve license as required by RCW 75.28.290.

[Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-070, filed 11/27/85; Order 248, § 7, filed 3/1/60.]

**WAC 220-60-080 Director may limit use of licenses.** Nothing in this chapter shall prevent the director or his authorized agent from limiting the number of bushels of oysters or pounds of clams which may be sold to any one oyster reserve licensee. The department of fisheries reserves the right to limit the number of dredges operated by any one licensee.

[Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-080, filed 11/27/85; Order 248, § 8, filed 3/1/60.]

**WAC 220-60-090 Director to establish sale prices.** Sale of oysters from the reserves for broodstock purposes to registered oyster farmers in amounts of 50 bushels or less may occur at a price established by the director taking into account costs associated with the sale, but in no event may be less than the average price paid at the latest bid sale. Sale of oysters in amounts over 50 bushels shall be by bid at public auction.

[Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-090, filed 11/27/85; Order 248, § 9, filed 3/1/60.]

**WAC 220-60-110 Other unlawful conduct.** It is unlawful to violate any of the provisions of this chapter.

[Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-110, filed 11/27/85; Order 248, § 11, filed 3/1/60.]

(2007 Ed.)

## Chapter 220-69 WAC

### FISH RECEIVING TICKETS—WEIGHT DELIVERY SHEETS

#### WAC

220-69-210	Definitions.
220-69-215	When state of Washington fish receiving tickets are required.
220-69-220	When state of Washington fish receiving tickets are not required.
220-69-230	Description of Washington state nontreaty fish receiving tickets.
220-69-234	Description of treaty Indian fish receiving ticket.
220-69-23402	Description of aquatic farm production report.
220-69-236	Description of catch record cards and required information.
220-69-240	Duties of commercial purchasers and receivers.
220-69-241	Duties of commercial fishers.
220-69-242	Duties of commercial shellfish shuckers.
220-69-243	Duties of aquatic farmers.
220-69-250	Required information on nontreaty fish receiving tickets.
220-69-254	Required information on treaty Indian fish receiving tickets.
220-69-260	Distribution of copies of nontreaty fish receiving tickets.
220-69-264	Distribution of copies of treaty Indian fish receiving tickets.
220-69-26401	Distribution of copies of shellfish receiving ticket.
220-69-270	License cards.
220-69-271	Dealer and buyer plates.
220-69-272	Treaty Indian identification cards.
220-69-273	Imprinters.
220-69-274	Signatures.
220-69-280	Fish receiving ticket accountability.
220-69-290	Annual production report.
220-69-300	Commercial food fish and shellfish transportation ticket.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-69-001	Promulgation. [Order 640, filed 4/30/65.] Repealed by Order 76-25, filed 1:50 p.m., 4/20/76, effective 7/1/76.
220-69-005	Definitions. [Order 1298, § 220-69-005, filed 9/25/75.] Repealed by Order 76-153, filed 12/17/76.
220-69-010	Nontreaty salmon fish receiving ticket. [Order 76-25, § 220-69-010, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 1298, § 220-69-010, filed 9/25/75; Order 995, § 220-69-010, filed 6/8/72; Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.
220-69-011	Nontreaty shellfish and food fish other than salmon fish receiving ticket. [Order 76-25, § 220-69-011, filed 1:50 p.m., 4/20/76, effective 7/1/76.] Repealed by Order 76-153, filed 12/17/76.
220-69-012	Treaty Indian fish receiving ticket. [Order 76-25, § 220-69-012, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 1298, § 220-69-012, filed 9/25/75.] Repealed by Order 76-153, filed 12/17/76.
220-69-020	Weight delivery sheets—Form—Contents. [Order 640, filed 4/30/65.] Repealed by Order 76-25, filed 1:50 p.m., 4/20/76, effective 7/1/76.
220-69-030	Duties of receivers and purchasers. [Order 76-25, § 220-69-030, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 1298, § 220-69-030, filed 9/25/75; Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.
220-69-040	Fish receiving tickets—Duties of fishermen and growers. [Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.
220-69-050	Oyster purchasers, receivers, shuckers—Duties. [Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.
220-69-060	Additional requirements. [Order 76-25, § 220-69-060, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.
220-69-070	Weight delivery sheets—Rules for use of. [Order 640, filed 4/30/65.] Repealed by Order 76-25, filed 1:50 p.m., 4/20/76, effective 7/1/76.
220-69-080	Fish receiving tickets—Signatures. [Order 920, § 220-69-080, filed 5/13/71; Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.
220-69-081	License cards. [Order 76-25, § 220-69-081, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 920, § 220-69-

	081, filed 5/13/71.] Repealed by Order 76-153, filed 12/17/76.		
220-69-082	Mechanical imprinter. [Order 76-25, § 220-69-082, filed 1:50 p.m., 4/20/76, effective 7/1/76.] Repealed by Order 76-153, filed 12/17/76.		
220-69-083	Treaty identification cards. [Order 76-25, § 220-69-083, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 1298, § 220-69-083, filed 9/25/75.] Repealed by Order 76-153, filed 12/17/76.		
220-69-085	Dealer's plate. [Order 76-25, § 220-69-085, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 920, § 220-69-085, filed 5/13/71.] Repealed by Order 76-153, filed 12/17/76.	220-69-239	Description of halibut catch record card and required information. [Statutory Authority: RCW 75.08.080, 90-17-080 (Order 90-55), § 220-69-239, filed 8/16/90, effective 9/16/90.] Repealed by 99-17-066 (Order 99-125), filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080 and 77.12.040.
220-69-090	Nontreaty fish receiving tickets—Disposition. [Order 76-25, § 220-69-090, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 1298, § 220-69-090, filed 9/25/75; Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.	220-69-245	Duties of sport salmon and sturgeon catch record card issuers. [Statutory Authority: RCW 75.08.080, 88-05-002 (Order 88-03), § 220-69-245, filed 2/4/88; 83-24-049 (Order 83-203), § 220-69-245, filed 12/2/83; Order 76-153, § 220-69-245, filed 12/17/76.] Repealed by 94-01-001, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080.
220-69-091	Treaty Indian fish receiving tickets copies disposition. [Order 1298, § 220-69-091, filed 9/25/75.] Repealed by Order 76-153, filed 12/17/76.	220-69-247	Required information on sport salmon catch record. [Statutory Authority: RCW 75.08.080, 84-09-026 (Order 84-22), § 220-69-247, filed 4/11/84.] Repealed by 89-07-071 (Order 89-05), filed 3/20/89. Statutory Authority: RCW 75.08.080.
220-69-095	Imprinters—Control. [Order 76-25, § 220-69-095, filed 1:50 p.m., 4/20/76, effective 7/1/76.] Repealed by Order 76-153, filed 12/17/76.	220-69-251	Required information on troll fish receiving tickets. [Order 76-153, § 220-69-251, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.
220-69-100	Voided, unused, tickets. [Order 76-25, § 220-69-100, filed 1:50 p.m., 4/20/76, effective 7/1/76; Order 640, filed 4/30/65.] Repealed by Order 76-153, filed 12/17/76.	220-69-252	Required information on marine fish receiving tickets. [Order 76-153, § 220-69-252, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.
220-69-110	Compliance required—Misrepresentations—Forms. [Order 640, filed 4/30/65.] Repealed by Order 77-31, filed 5/11/77.	220-69-253	Required information on utility fish receiving tickets. [Order 76-153, § 220-69-253, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.
220-69-231	Description of troll fish receiving ticket. [Statutory Authority: RCW 75.08.080 [75.08.080]. 78-03-031 (Order 78-7), § 220-69-231, filed 2/17/78; Order 77-14, § 220-69-231, filed 4/15/77; Order 76-153, § 220-69-231, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.	220-69-25401	Required information on shellfish receiving ticket. [Statutory Authority: RCW 75.08.080, 80-05-093 (Order 80-27), § 220-69-25401, filed 5/2/80.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.
220-69-232	Description of marine fish receiving ticket. [Statutory Authority: RCW 75.08.080, 80-05-093 (Order 80-27), § 220-69-232, filed 5/2/80. Statutory Authority: RCW 75.08.080 [75.08.080]. 78-03-031 (Order 78-7), § 220-69-232, filed 2/17/78; Order 76-153, § 220-69-232, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.	220-69-25402	Required information on aquaculture production report. [Statutory Authority: RCW 75.08.080, 81-03-032 (Order 81-6), § 220-69-25402, filed 1/13/81.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.
220-69-233	Description of utility fish receiving ticket. [Statutory Authority: RCW 75.08.080, 80-05-093 (Order 80-27), § 220-69-233, filed 5/2/80. Statutory Authority: RCW 75.08.080 [75.08.080]. 78-03-031 (Order 78-7), § 220-69-233, filed 2/17/78; Order 76-153, § 220-69-233, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.	220-69-255	Required information on oyster production report. [Statutory Authority: RCW 75.08.080 [75.08.080]. 78-03-031 (Order 78-7), § 220-69-255, filed 2/17/78; Order 76-153, § 220-69-255, filed 12/17/76.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.
220-69-23401	Description of shellfish receiving ticket. [Statutory Authority: RCW 75.08.080, 81-14-039 (Order 81-44), § 220-69-23401, filed 6/29/81; 80-05-093 (Order 80-27), § 220-69-23401, filed 5/2/80.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.	220-69-25501	Required information on hardshell clam and mussel production report. [Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-25501, filed 12/2/83; 81-03-032 (Order 81-6), § 220-69-25501, filed 1/13/81.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.
220-69-235	Description of oyster production report. [Statutory Authority: RCW 75.08.080 [75.08.080]. 78-03-031 (Order 78-7), § 220-69-235, filed 2/17/78; Order 76-153, § 220-69-235, filed 12/17/76.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.	220-69-261	Distribution of copies of troll fish receiving tickets. [Statutory Authority: RCW 75.08.080, 80-05-093 (Order 80-27), § 220-69-261, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.
220-69-23501	Description of hardshell clam and mussel production report. [Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-23501, filed 12/2/83; 81-03-032 (Order 81-6), § 220-69-23501, filed 1/13/81.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.	220-69-262	Distribution of copies of marine and utility fish receiving ticket. [Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-262, filed 12/20/99, effective 1/20/00; 91-05-015 (Order 91-07), § 220-69-262, filed 2/8/91, effective 3/11/91. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-262, filed 9/12/86. Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-262, filed 12/2/83; Order 76-153, § 220-69-262, filed 12/17/76.] Repealed by 04-17-096 (Order 04-210), filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 77.12.047.
220-69-237	Description of sport salmon catch record and required information. [Statutory Authority: RCW 75.08.080, 90-17-080 (Order 90-55), § 220-69-237, filed 8/16/90, effective 9/16/90; 90-03-068 (Order 90-05), § 220-69-237, filed 1/19/90, effective 2/19/90; 89-07-071 (Order 89-05), § 220-69-237, filed 3/20/89; 84-09-026 (Order 84-22), § 220-69-237, filed 4/11/84; 83-24-049 (Order 83-203), § 220-69-237, filed 12/2/83; Order 77-121, § 220-69-237, filed 10/19/77; Order 76-153, § 220-69-237, filed 12/17/76.] Repealed by 99-17-066 (Order 99-125), filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080 and 77.12.040.	220-69-263	Distribution of copies of utility fish receiving ticket. [Order 76-153, § 220-69-263, filed 12/17/76.] Repealed by 83-24-049 (Order 83-203), filed 12/2/83. Statutory Authority: RCW 75.08.080.
220-69-238	Description of sturgeon catch record and required information. [Statutory Authority: RCW 75.08.080, 90-17-	220-69-26402	Distribution of copies of aquaculture production report. [Statutory Authority: RCW 75.08.080, 81-03-032

- (Order 81-6), § 220-69-26402, filed 1/13/81.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.
- 220-69-265 Distribution of copies of oyster production report. [Statutory Authority: RCW 75.08.080, 81-03-032 (Order 81-6), § 220-69-265, filed 1/13/81; Order 76-153, § 220-69-265, filed 12/17/76.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.
- 220-69-26501 Distribution of copies of hardshell clam and mussel production report. [Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-26501, filed 12/2/83; 81-03-032 (Order 81-6), § 220-69-26501, filed 1/13/81.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.

**WAC 220-69-210 Definitions.** The following definitions apply to this chapter:

(1) "Broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together. A broker is not required to have a wholesale dealer's license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.

A broker who takes physical possession of fish or shellfish is an original receiver, and is required to complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker is required to complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish which have entered the state from another state, territory or country, if the fish or shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.

(2) "Buyer" means a person who receives fish or shellfish, and who is required to complete a fish receiving ticket. A wholesale dealer or a retail seller who directly receives fish or shellfish from a commercial fisher or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting as an agent for a wholesale dealer is required to have a fish buyer's license.

(3) "Department" means:

Department of Fish and Wildlife  
Information Systems  
600 Capitol Way North  
Olympia, Washington 98501-1091

(4) "Delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state, arrivals ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce.

(5) "Fish" means food fish classified under WAC 220-12-010 and game fish taken by treaty fishers and sold commercially.

(6) "Fisher" means a Washington-licensed commercial fisher or holder of a delivery permit.

(7) "Fresh" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

(2007 Ed.)

(8) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

(9) "Nontreaty" means all entities not qualified by definition as treaty.

(10) "Original receiver" or "receiver" means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer. A fisher who is not the holder of a direct retail endorsement and who sells fish or shellfish to anyone other than a dealer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce is the original receiver of the fish or shellfish. A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish. A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided the fish or shellfish are transported only to a cold storage facility or to a buyer.

(11) "Processed" means preparing and preserving, and requires a wholesale dealer's license. Preserving includes treated with heat, including smoking and kippering. Cooked crab are processed. Preserving also includes freezing fish and shellfish.

(12) "Shellfish" means shellfish classified under WAC 220-12-020.

(13) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes that are entitled to harvest fish or shellfish under the Makah, Medicine Creek, Nez Perce, Point Elliott, Point-No-Point, Quinalt, Umatilla and Walla Walla, and Yakima treaties, or persons who are members of federally recognized treaty tribes whose reservations are located within Washington state and who harvest fish or shellfish within their tribe's reservation.

(14) "Wholesale dealer" or "dealer" means a person who takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce. A wholesale dealer is required to be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish to anyone other than a wholesale dealer is required to have a wholesale dealer's license. A retail seller who receives fish or shellfish in interstate or foreign commerce from a person who is not a wholesale dealer is required to have a wholesale dealer's license.

(15) "Working day" means Monday through Friday exclusive of a Washington state or federal holiday.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-210, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-210, filed 12/20/99, effective 1/20/00; Order 76-153, § 220-69-210, filed 12/17/76.]

**WAC 220-69-215 When state of Washington fish receiving tickets are required.** State of Washington fish receiving tickets are required for:

(1) Fresh fish and shellfish delivered in the state of Washington, including deliveries not purchased by a dealer,

which shall be recorded as weigh back or take home fish or shellfish.

(2) Fresh fish and shellfish previously delivered in another state, territory or country, and transported into the state of Washington to an original receiver.

(3) Frozen fish or shellfish not previously delivered in another state, territory, or country and transported into the state of Washington to an original receiver. Food fish and shellfish in this category are typically an at-sea processed product.

(4) Purchase of fish or shellfish from a fisher who is also a dealer, if the fisher/dealer has not previously completed a fish receiving ticket.

(5) It is unlawful to fail to complete a fish receiving ticket when one is required.

Violation of this section is punishable under RCW 77.15.630.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-215, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080, 85-11-020 (Order 85-43), § 220-69-215, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-215, filed 12/2/83; Order 76-153, § 220-69-215, filed 12/17/76.]

**WAC 220-69-220 When state of Washington fish receiving tickets are not required.** State of Washington fish receiving tickets are not required for:

(1) Purchase or delivery of fish or shellfish from a wholesale dealer or holder of a direct retail endorsement, provided the dealer or holder has previously prepared a fish receiving ticket. For such purchase or delivery, it is unlawful for the person taking possession of the fish or shellfish to fail to obtain the name, address, dealer number, or direct retail endorsement number, together with sales receipt documents sufficient to show the quantity of fish or shellfish and date of transaction, and retain this information with the fish or shellfish.

(a) Violation of this subsection by a wholesale dealer is a gross misdemeanor, punishable under RCW 77.15.640.

(b) Violation of this subsection by a retail fish seller is a misdemeanor, punishable under RCW 77.15.568.

(2) Fresh or frozen fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(3) Private sector cultured aquatic products.

(4) Processed fish or shellfish except frozen fish or shellfish not previously delivered in another state, territory or country.

(5) Any importation of fish that are not classified food fish under WAC 220-12-010 or importation of shellfish that are not classified shellfish under WAC 220-12-020.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-220, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-220, filed 12/20/99, effective 1/20/00; 94-01-001, § 220-69-220, filed 12/1/93, effective 1/1/94; 90-03-068 (Order 90-05), § 220-69-220, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-220, filed 9/12/86. Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-220, filed 12/2/83; 78-03-031 (Order 78-7), § 220-69-220, filed 2/17/78; Order 76-153, § 220-69-220, filed 12/17/76.]

**WAC 220-69-230 Description of Washington state nontreaty fish receiving tickets.** (1) There is hereby created the following nontreaty fish receiving ticket forms to be pre-

[Title 220 WAC—p. 142]

pared, printed, and distributed upon request, by the department: Puget Sound salmon, troll, marine, utility, and shellfish. These forms shall contain space for the following information:

(a) Fisherman: Name of licensed deliverer.

(b) Address: Address of licensed deliverer.

(c) Boat name: Name or Coast Guard number of landing vessel.

(d) WDFW boat registration: Washington department of fish and wildlife boat registration number.

(e) Gear: Code number or name of specific type of gear used.

(f) Fisherman's signature: Signature of licensed deliverer.

(g) Date: Date of landing.

(h) Dealer: Name of dealer, and department number assigned to dealer.

(i) Buyer: Name of buyer, and department number assigned to buyer.

(j) Receiver's signature: Signature of original receiver.

(k) Number of days fished: Days spent catching fish.

(l) Fish or shellfish caught inside or outside 3-mile limit: Check one box.

(m) Catch area: Salmon catch area code if salmon are caught. Marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.

(n) Tally space for dealer's use: Used at dealer's discretion.

(o) Species code: Department assigned species code.

(p) Number of fish, species description, pounds, and value: Summary information for species landed. All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).

(q) Work area for dealer's use: Used at dealer's discretion.

(r) Total amount: Total value of landing.

(s) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use.

(t) Crew: Name and signature of crew members who take home fish.

(2) The Puget Sound salmon fish receiving ticket shall be used for:

(a) Deliveries of nontreaty salmon caught in inland waters.

(b) Any other delivery of nontreaty salmon where the catch may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(3) The troll fish receiving ticket shall be used for:

(a) Deliveries of nontreaty coastal salmon and incidental catch.

(b) Any other nontreaty deliveries where the species delivered may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.

(4) The marine fish receiving ticket shall be used for:

(a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.

(b) Any imports of fresh marine fish or bottomfish.

(5) The utility fish receiving ticket shall be used for:

(a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.

(b) Any imports of fresh fish or shellfish that do not include salmon.

(6) The shellfish receiving ticket shall be used for:

(a) Any nontreaty deliveries of shellfish.

(b) Any imports of fresh shellfish.

(c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

[Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-230, filed 12/20/99, effective 1/20/00; 85-11-020 (Order 85-43), § 220-69-230, filed 5/10/85; 84-08-014 (Order 84-24), § 220-69-230, filed 3/27/84; 83-24-049 (Order 83-203), § 220-69-230, filed 12/2/83; 80-05-093 (Order 80-27), § 220-69-230, filed 5/2/80; 78-03-031 (Order 78-7), § 220-69-230, filed 2/17/78; Order 76-153, § 220-69-230, filed 12/17/76.]

**WAC 220-69-234 Description of treaty Indian fish receiving ticket.** (1) There is hereby created a treaty Indian fish receiving ticket form to be prepared, printed, and distributed upon request, by the department, which shall contain space for the following information:

(a) Tribal name: Name or identification number of tribe.

(b) Fisherman: Name or identification number of deliverer.

(c) Signature: Signature of deliverer on tribal copy of ticket.

(d) Date: Date of landing.

(e) Dealer: Name of dealer, and department number assigned to dealer.

(f) Buyer: Name of buyer, and department number assigned to buyer.

(g) Gear: Code name or number of specific gear type used.

(h) Receiver's signature: Signature of original receiver.

(i) Catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.

(j) Tally space for dealer's use: Used at dealer's discretion.

(k) Species and description: Species name of fish landed.

(l) Number of fish, pounds, and value: Information for each species landed.

(m) Subtotal: Total price of catch landed.

(n) Tribal tax: Tribal tax collected.

(o) Total: Total price paid seller or deliverer.

(p) Take-home fish: Species, number, and pounds of fish retained for personal, ceremonial, or subsistence use.

(2) The treaty Indian fish receiving ticket shall be used for any deliveries of fish or shellfish caught by Washington treaty Indians.

[Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-234, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-234, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-234, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-234, filed 12/2/83; 80-05-093 (Order 80-27), § 220-69-234, filed 5/2/80; 78-03-031 (Order 78-7), § 220-69-234, filed 2/17/78; Order 76-153, § 220-69-234, filed 12/17/76.]

(2007 Ed.)

**WAC 220-69-23402 Description of aquatic farm production report.** (1) There is hereby created an aquaculture production report form to be prepared, printed and distributed on request by the department. The aquatic farmer shall provide the following information:

(a) Firm name: Name of aquaculture firm and telephone number.

(b) Firm address: Address of aquaculture firm.

(c) Aquatic farm numbers: Department assigned aquatic farm registration number and location number.

(d) Species: Common name of species grown at aquatic farm site.

(e) Quantity harvested for sale: Quantity, in production units, of each species harvested for sale. The production may be shown in pounds, dozens, gallons, bushels or bags.

(f) Unit value: Value per production unit.

(g) Signature: Signature of firm executive or authorized representative and date signed.

(2) The aquaculture production report shall be used for reporting of aquaculture production as specified in WAC 220-69-243.

[Statutory Authority: RCW 77.12.047. 04-17-096 (Order 04-210), § 220-69-23402, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.-080. 00-01-145 (Order 99-221), § 220-69-23402, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-23402, filed 9/12/86. Statutory Authority: RCW 75.08.080. 81-03-032 (Order 81-6), § 220-69-23402, filed 1/13/81.]

**WAC 220-69-236 Description of catch record cards and required information.** (1) The department shall prepare and distribute a catch record card for the following:

(a) Anadromous salmon (salmon);

(b) Dungeness crab taken from Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5-13;

(c) Halibut;

(d) Steelhead; and

(e) Sturgeon.

(2) Each catch record card shall contain space for the following information, which must be recorded prior to the catch record card being separated from the underlying copy of the catch record card:

(a) Name of fisher;

(b) Home address;

(c) City, state, and zip code;

(d) Date of issuance;

(e) Or, for automated licenses, the catch record card shall contain space for the appropriate validation sticker.

(3) Each catch record card shall contain space for the following information:

(a) Month of catch;

(b) Day of catch;

(c) Catch record card area, river code, or stream: Location of catch;

(d) A species code for salmon and sturgeon and a marked or unmarked space for salmon;

(e) A space for designating the type of vessel from which halibut was taken, either charter (c) or personal/kicker (k) boat;

(f) A space for the length of sturgeon;

(g) For Dungeness crab:



- (i) The type of crab fishery as described on the Dungeness crab catch record card;
- (ii) The total crab retained by fishery type;
- (iii) A tally mark for each crab retained.

[Statutory Authority: RCW 77.12.047, 06-21-031 (Order 06-262), § 220-69-236, filed 10/9/06, effective 11/9/06; 05-05-035 (Order 05-15), § 220-69-236, filed 2/10/05, effective 5/1/05; 04-17-096 (Order 04-210), § 220-69-236, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 77.32.050, 00-11-178 (Order 00-80), § 220-69-236, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080 and 77.12.040, 99-17-066 (Order 99-125), § 220-69-236, filed 8/13/99, effective 4/1/00.]

**WAC 220-69-240 Duties of commercial purchasers and receivers.** (1) It is unlawful for any person originally receiving fresh or iced fish or shellfish or frozen fish or shellfish that have not been previously delivered in another state, territory, or country, except purchases or receipts made by individuals or consumers at retail, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Each delivery must be recorded on a separate fish receiving ticket.

It is unlawful for any original receiver of crab or spot shrimp to fail to record all crab or spot shrimp aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weighbacks must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed is required to be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.

(4) Forage fish: It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets that are initiated and completed on the day the forage fish are delivered. Herring are also required to be reported on herring harvest logs. The harvested amount of forage fish is to be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel. An estimate of herring, candefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate." In the coastal pilchard fishery, the amount of pilchards, by

weight, purchased for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-products for purposes other than human consumption or fishing bait must be included on the fish ticket as "reduction."

Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(5) Geoduck: It is unlawful for any person receiving geoducks, regardless of whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of delivery. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(6) Pacific whiting: It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the delivery. The exact weights of whiting, by grade, and all incidental species in the delivery must be entered on the fish receiving ticket within twenty-four hours of the landing. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(7) Puget Sound shrimp - Pot gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 800, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record either 23A-C, 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(8) Puget Sound shrimp - Trawl gear: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(9) Puget Sound crab: It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day. Reports must be made to the La Conner District Office by facsimile 360-466-0515 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, date of delivery of crab to the original receiver, and the total number of pounds of crab caught by nontreaty fishers by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(10) Salmon and sturgeon: During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report all salmon offered for retail sale on the previous calendar day. The report must include dealer or holder name and purchasing location, date of purchase, each fish ticket number used on the purchasing date, and the following catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to [psfishtickets@dfw.wa.gov](mailto:psfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-902-2949
- (ii) E-mail to [trollfishtickets@dfw.wa.gov](mailto:trollfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-664-0689
- (ii) E-mail to [harborfishtickets@dfw.wa.gov](mailto:harborfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) Fax transmission to 360-906-6776 or 360-906-6777
- (ii) E-mail to [crfishtickets@dfw.wa.gov](mailto:crfishtickets@dfw.wa.gov) or
- (iii) Telephone to 1-866-791-1281

(e) Faxing a copy of each fish receiving ticket used on the previous day satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(11) Sea urchins and sea cucumbers: It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. For sea cucumbers the report must specify whether the landings were "whole-live" or "split-drained." The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore. Additionally, it is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained." Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

(12) Coastal spot shrimp: It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047. 06-08-078 (Order 06-59), § 220-69-240, filed 4/3/06, effective 5/4/06; 06-01-013 (Order 05-275), § 220-69-240, filed 12/9/05, effective 1/9/06; 04-17-096 (Order 04-210), § 220-69-240, filed 8/17/04, effective 9/17/04; 03-17-008 (Order 03-188), § 220-69-240, filed 8/8/03, effective 9/8/03; 03-05-064 (Order 03-28), § 220-69-240, filed 2/18/03, effective 3/21/03; 03-05-059 (Order 03-32), § 220-69-240, filed 2/18/03, effective 3/21/03; 01-07-015 (Order 01-32), § 220-69-240, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-240, filed 12/20/99, effective 1/20/00; 97-08-052 (Order 97-55), § 220-69-240, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-240, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-240, filed 5/10/85; 83-24-049 (Order 83-203), §

220-69-240, filed 12/2/83; 82-17-040 (Order 82-105), § 220-69-240, filed 8/13/82; 81-11-006 (Order 81-31), § 220-69-240, filed 5/11/81; Order 77-14, § 220-69-240, filed 4/15/77; Order 76-153, § 220-69-240, filed 12/17/76.]

**WAC 220-69-241 Duties of commercial fishers. (1)**

Every fisher selling food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, or donating fish or shellfish that have not been previously delivered to an original receiver to a nonprofit or other organization, and every fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to possess a valid wholesale dealer's license or a direct retail endorsement. It is unlawful for such fishers to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in their own name for each delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon delivery. It is unlawful for a fisher selling at retail to fail to complete a fish receiving ticket before offering fish or shellfish for retail sale except if food fish or shellfish are being offered for sale directly off the catcher vessel the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish that were sold at retail.

(a) Failure to be licensed under this subsection is punishable under RCW 77.15.620.

(b) Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.

(2) It is unlawful for a fisher offering food fish or shellfish for retail sale to fail to maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. It is unlawful for the seller to fail to retain the duplicate receipts for one year. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

(3) In the commercial geoduck fishery, it is unlawful for a vessel operator so designated by the geoduck tract holder to fail to be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, it is unlawful for the designated operator to fail to legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the fisher.

(d) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-241, filed 8/17/04, effective 9/17/04; 04-05-028 (Order 04-20), § 220-69-241, filed 2/10/04, effective 3/12/04; 03-05-059 (Order 03-32), § 220-69-241, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080.

00-01-145 (Order 99-221), § 220-69-241, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-241, filed 9/12/86. Statutory Authority: RCW 75.08.080. 83-24-049 (Order 83-203), § 220-69-241, filed 12/2/83; 81-11-006 (Order 81-31), § 220-69-241, filed 5/11/81; 81-03-032 (Order 81-6), § 220-69-241, filed 1/13/81; Order 76-153, § 220-69-241, filed 12/17/76.]

**WAC 220-69-242 Duties of commercial shellfish shuckers.** Every person shucking shellfish for resale, excluding privately cultured aquatic products, is required to have a wholesale dealers license. It is unlawful for shellfish shuckers originally receiving shellfish that are not private sector cultured aquatic products to fail to completely, accurately, and legibly prepare a state of Washington shellfish receiving ticket for each day's activities.

(1) Failure to be licensed under this section is punishable under RCW 77.15.620.

(2) Failure to prepare a fish receiving ticket under this section is punishable under RCW 77.15.630.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-242, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-242, filed 9/12/86. Statutory Authority: RCW 75.08.080. 83-24-049 (Order 83-203), § 220-69-242, filed 12/2/83; Order 76-153, § 220-69-242, filed 12/17/76.]

**WAC 220-69-243 Duties of aquatic farmers. (1)** It is unlawful for an aquatic farmer shipping out-of-state or selling private sector cultured aquatic products to fail to keep complete and accurate records showing the quantity of these products sold and the location of the aquatic farm where they were grown, and to fail to completely, accurately, and legibly prepare an aquatic farm production report. An aquatic farm production report shall document each aquatic farm's monthly production, showing the information required in WAC 220-69-23402 (1)(d) through (g), and shall be mailed to the department within thirty days of the end of each quarter for which production is reported.

(2) Quarterly production report copies are required to be maintained by the aquatic farmer for one year and presented on demand for inspection by authorized department personnel.

(3) Violation of this section is a misdemeanor, punishable under RCW 77.15.350.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-243, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-243, filed 9/12/86.]

**WAC 220-69-250 Required information on nontreaty fish receiving tickets. (1)** It is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the information required in WAC 220-69-230 (1)(a) through (m), (p), (s), and (t) on each nontreaty fish receiving ticket.

(2) A valid license card or duplicate license card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(a) through (e) except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department shall be used in conjunction with an approved mechanical imprinter in lieu of WAC 220-69-230 (1)(h) and (i).

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on

all shellfish receiving tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

(5) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047. 04-17-096 (Order 04-210), § 220-69-250, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-250, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-250, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-250, filed 5/10/85; 85-01-010 (Order 84-214), § 220-69-250, filed 12/7/84; 84-08-014 (Order 84-24), § 220-69-250, filed 3/27/84; 83-24-049 (Order 83-203), § 220-69-250, filed 12/2/83; Order 76-153, § 220-69-250, filed 12/17/76.]

**WAC 220-69-254 Required information on treaty Indian fish receiving tickets.** (1) It is unlawful for a person required to complete a treaty Indian fish receiving ticket to fail to enter the information required in WAC 220-69-234 (1)(a) through (l) and (p) on each treaty Indian fish receiving ticket.

(2) A valid treaty Indian identification card may be used in lieu of WAC 220-69-234 (1)(a) and (b).

(3) A valid dealer or buyer card issued by the department shall be used in lieu of WAC 220-69-234 (1)(e) and (f).

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047. 04-17-096 (Order 04-210), § 220-69-254, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-254, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-254, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-254, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-254, filed 12/2/83; 78-03-031 (Order 78-7), § 220-69-254, filed 2/17/78; Order 76-153, § 220-69-254, filed 12/17/76.]

**WAC 220-69-260 Distribution of copies of nontreaty fish receiving tickets.** State of Washington nontreaty fish receiving tickets shall be made out in quadruplicate (four copies) at the time of delivery. Upon completion of the fish receiving ticket it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies as follows:

(1) The dealer copies (white and yellow) shall be retained by receiver for their use.

(2) The state copy (green) shall be mailed to the department. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) Fisher copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047. 04-17-096 (Order 04-210), § 220-69-260, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-260, filed 12/20/99, effective 1/20/00; 94-01-001, § 220-69-260, filed 12/1/93, effective 1/1/94; 91-05-015 (Order 91-07), § 220-69-260, filed 2/8/91, effective 3/11/91; 90-03-068 (Order 90-05), § 220-69-260, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-260, filed 9/12/86. Statutory Authority: RCW 75.08.080. 83-24-049 (Order 83-203), § 220-69-260, filed 12/2/83; 80-05-093 (Order 80-27), § 220-69-260, filed 5/2/80; Order 76-153, § 220-69-260, filed 12/17/76.]

(2007 Ed.)

**WAC 220-69-264 Distribution of copies of treaty Indian fish receiving tickets.** State of Washington treaty Indian fish receiving tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the treaty Indian fish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies as follows:

(1) The dealer copy (white) shall be retained by receiver for their use.

(2) The state copy (green) and the NWIFC copy (pink) shall be mailed to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98509. It is required that the state copy and game copy be received by the Northwest Indian Fisheries Commission no later than the sixth working day after the day the ticket was completed by the original receiver.

(3) The tribal copy (yellow) shall be mailed with the state and NWIFC copies to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98509: Provided, That upon written agreement received by the department from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisher's tribe, then that one copy may be so disposed.

(4) The fisherman copy (gold) shall be retained by the deliverer for their use.

(5) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047. 04-17-096 (Order 04-210), § 220-69-264, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-264, filed 12/20/99, effective 1/20/00; 91-05-015 (Order 91-07), § 220-69-264, filed 2/8/91, effective 3/11/91; 90-03-068 (Order 90-05), § 220-69-264, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-264, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-264, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-264, filed 12/2/83; 80-05-093 (Order 80-27), § 220-69-264, filed 5/2/80; Order 76-153, § 220-69-264, filed 12/17/76.]

**WAC 220-69-26401 Distribution of copies of shellfish receiving ticket.** State of Washington shellfish receiving tickets shall be made out in quintuplicate (five copies) at the time of delivery. Upon completion of the shellfish receiving ticket, it is unlawful for the person completing the fish receiving ticket to fail to distribute the copies as follows:

(1) The dealer copies (white and yellow) shall be retained by receiver for their use.

(2)(a) For shellfish other than geoduck clams from department of natural resources geoduck tracts, the state copies (green and pink) shall be mailed to the department. It is required that the state copies be received by the department no later than the sixth working day after the day the ticket was completed by the original receiver.

(b) For geoduck clams from department of natural resources geoduck tracts, the green state copy shall be mailed to the department no later than the sixth working day after the ticket was completed by the original receiver. The pink state copy shall be mailed to the department of natural resources no later than the sixth working day after the ticket was completed by the original receiver, or delivered earlier to the department of natural resources as directed by that department.

(3) The fisherman copy (gold) shall be retained by the deliverer for their use.

(4) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047, 05-05-026 (Order 05-16), § 220-69-26401, filed 2/10/05, effective 3/13/05; 04-17-096 (Order 04-210), § 220-69-26401, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-26401, filed 12/20/99, effective 1/20/00; 91-05-015 (Order 91-07), § 220-69-26401, filed 2/8/91, effective 3/11/91. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-26401, filed 9/12/86. Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-26401, filed 12/2/83; 80-05-093 (Order 80-27), § 220-69-26401, filed 5/2/80.]

**WAC 220-69-270 License cards.** Upon lawful application, a commercial fishery license in the form of a license card will be issued by the department. The license card will be designed for use with an approved mechanical imprinting device. The license card will contain the licensee's name; license type and gear code; license year; license number. Upon designating a vessel the license card will additionally contain the vessel name for documented vessels; the state registration number for undocumented vessels if state registration is required; the department vessel registration number for vessels for which neither documentation nor state registration is required; the primary operator and date of birth; up to two alternate operators and date of birth for each.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-270, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080, 94-01-001, § 220-69-270, filed 12/1/93, effective 1/1/94; 83-24-049 (Order 83-203), § 220-69-270, filed 12/2/83; Order 76-153, § 220-69-270, filed 12/17/76.]

**WAC 220-69-271 Dealer and buyer plates.** (1) Upon lawful application for a wholesale dealer's license, a dealer's plate will be issued by the department for any receiver acting as or intending to act as an original receiver. The receiver's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, and department dealer number.

(2) Upon lawful application for a wholesale buyer's license or a branch plant license, a buyer's plate will be issued by the department for any buyer acting or intending to act on the behalf of an original receiver. The buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, department dealer number, buyer name, and department buyer number.

[Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-271, filed 12/20/99, effective 1/20/00; 80-05-093 (Order 80-27), § 220-69-271, filed 5/2/80; 78-03-031 (Order 78-7), § 220-69-271, filed 2/17/78; Order 76-153, § 220-69-271, filed 12/17/76.]

**WAC 220-69-272 Treaty Indian identification cards.** Washington treaty Indians delivering fish or shellfish may use a treaty Indian identification card, properly embossed with the tribe number and treaty Indian identification number, in lieu of hand-written fisherman information except that the fisherman's signature is required on the tribal copy of the treaty Indian fish receiving ticket.

[Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-272, filed 9/12/86. Statutory Authority: RCW 75.08.080, 85-

11-020 (Order 85-43), § 220-69-272, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-272, filed 12/2/83; Order 76-153, § 220-69-272, filed 12/17/76.]

**WAC 220-69-273 Imprinters.** Use of a mechanical imprinter approved by the department, in conjunction with a license card or treaty Indian identification card to identify the deliverer, and a dealer plate or buyer plate to identify the receiver on all state of Washington fish receiving tickets is hereby made mandatory.

Provided, That license card information may be recorded manually on the state of Washington fish receiving tickets in the following exceptions:

(1) Oregon licensed fishers delivering fish caught in the Columbia River.

(2) Purchases made from out-of-state firms.

(3) Fishers selling on a delivery license who have not received a delivery license card from the department at the time of their first sale. All subsequent sales require use of a license card.

[Statutory Authority: RCW 75.08.080, 00-01-145 (Order 99-221), § 220-69-273, filed 12/20/99, effective 1/20/00; 94-01-001, § 220-69-273, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-273, filed 9/12/86. Statutory Authority: RCW 75.08.080, 83-24-049 (Order 83-203), § 220-69-273, filed 12/2/83; Order 76-153, § 220-69-273, filed 12/17/76.]

**WAC 220-69-274 Signatures.** (1) It is unlawful for the deliverer of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving ticket, which signature shall be deemed certification of the correctness of all entries thereon. It is unlawful for the original receiver of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving ticket.

(2) It is unlawful for the deliverer of treaty fish or shellfish to fail to sign the tribal copy of the treaty Indian fish receiving ticket, which signature shall be deemed certification of the correctness of all entries on the complete fish receiving ticket. It is unlawful for the original receiver of treaty food fish or shellfish to fail to sign the complete treaty Indian fish receiving ticket.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW 77.15.560.

(b) An original receiver who fails to sign a fish receiving ticket is in violation of RCW 77.15.640.

(3) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the person has first obtained an additional operator's license for the fishing vessel operated by the fisherman.

(4) Should the receiver receive the fish or shellfish by other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature together with the transportation ticket, and the receiver shall assume complete responsibility for the correctness of all entries.

[Statutory Authority: RCW 77.12.047, 04-17-096 (Order 04-210), § 220-69-274, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-69-274, filed 9/12/86. Statutory Authority: RCW 75.08.080, 85-11-020 (Order 85-43), § 220-69-274, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-274, filed 12/2/83; Order 76-153, § 220-69-274, filed 12/17/76.]

**WAC 220-69-280 Fish receiving ticket accountability.** Only current state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the department.

(2) It is unlawful to fail to use fish receiving ticket books and fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued to the original receiver.

(3) It is unlawful to transfer fish receiving tickets or ticket books from one original receiver to another original receiver without written permission from the department.

(4) It is unlawful for any purchaser or receiver terminating business to fail to notify the department in writing and to fail to return all unused fish receiving tickets and ticket books to the department within thirty days after termination of business.

(5) It is unlawful to fail to return the state copy of all fish receiving tickets to the state. All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, are required to be submitted to the department accompanying, and in sequence with, other fish receiving tickets.

(6) It is unlawful to fail to account for all fish receiving tickets that are lost, destroyed, or otherwise missing in writing to the department.

(7) It is unlawful to transfer fish receiving tickets to anyone who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement, and it is unlawful for any person not so licensed to have fish receiving tickets in possession.

(8) It is unlawful for a wholesale dealer or holder of a direct retail sale endorsement to fail to maintain the dealer copy or copies at the dealer's or holder's regular place of business for one year after the date of use of the fish ticket.

(9) Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.12.047. 04-17-096 (Order 04-210), § 220-69-280, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-280, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-280, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-280, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-280, filed 12/2/83; 82-17-040 (Order 82-105), § 220-69-280, filed 8/13/82; 80-05-093 (Order 80-27), § 220-69-280, filed 5/2/80; 78-03-031 (Order 78-7), § 220-69-280, filed 2/17/78; Order 76-153, § 220-69-280, filed 12/17/76.]

**WAC 220-69-290 Annual production report.** There is hereby created a state of Washington annual production report form to be prepared, printed, and distributed annually by the department to all wholesale dealers, canners, custom canners, and by-product manufacturers. The annual production report shall be completed and returned to the department not later than January 31 for the preceding year of business activities.

[Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-290, filed 12/20/99, effective 1/20/00; Order 76-153, § 220-69-290, filed 12/17/76.]

**WAC 220-69-300 Commercial food fish and shellfish transportation ticket.** (1) Commercial fishers who are neither wholesale dealers nor holders of a direct retail endorsement must complete a commercial food fish and shellfish transportation ticket when transporting commercial fish or

shellfish away from the catching vessel or, for a fishery that does not require a vessel, the catch site, and it is unlawful to fail to complete the transportation ticket with all the information in subsection (2) of this section. Violation of this subsection is punishable under RCW 77.15.290.

(2) The transportation ticket shall contain space for:

(a) The name of the fisherman who caught the fish.

(b) The fisherman's vessel registration number.

(c) The signature of the fisherman or additional operator.

(d) The name of the transporter.

(e) The signature of the transporter.

(f) The catch area where the food fish or shellfish were caught.

(g) The species of food fish or shellfish being transported.

(h) The number or approximate pounds of food fish or shellfish being transported.

(3) The information in subsection (2)(a) through (h) of this section are required entries on all completed transportation tickets.

(4) It is unlawful for an original receiver to fail to mail the transportation ticket together with the state copy of the fish receiving ticket as provided for in WAC 220-69-260, 220-69-264, and 220-69-26401, if the commercial fisher delivering the fish or shellfish does not sign the fish receiving ticket, as provided in WAC 220-69-274. If the commercial fisher signs the fish receiving ticket, the transportation ticket is not required to be submitted with the fish receiving ticket. Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

(5) The transportation ticket is to remain with the fish or shellfish until a fish receiving ticket is completed, and must be presented for inspection by persons transporting, holding, or storing fish or shellfish when requested to do so by a fish and wildlife officer, and it is unlawful to fail to present the transportation ticket on demand. Violation of this subsection is a gross misdemeanor punishable under RCW 77.15.360.

(6) The provisions of this section do not apply to:

(a) Food fish and shellfish purchased at retail, provided the purchaser has, in possession, a sales receipt documenting purchase.

(b) Food fish or shellfish for which a fish receiving ticket has been completed.

(c) Food fish or shellfish being transported by the department.

(d) Hatchery carcass sales.

(e) Private sector cultured aquatic products in transport.

(f) Food fish or shellfish being transported on an Oregon transportation ticket.

(g) Food fish or shellfish being transported in the catching vessel prior to delivery.

[Statutory Authority: RCW 77.12.047. 04-17-096 (Order 04-210), § 220-69-300, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-300, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-300, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-021 (Order 85-44), § 220-69-300, filed 5/10/85.]

**Chapter 220-72 WAC**  
**OYSTER DISEASES AND PESTS**

**WAC**

220-72-011	Oyster drill restricted shellfish areas—Puget Sound.
220-72-015	Oyster drill restricted shellfish areas—Willapa.
220-72-076	Unlawful acts—Permit required.
220-72-086	European green crab ( <i>Carcinus maenas</i> ) restricted shellfish area.
220-72-089	Denman Island Disease prohibited area.

**DISPOSITION OF SECTIONS FORMERLY  
 CODIFIED IN THIS CHAPTER**

220-72-001	Promulgation. [Order 413, Promulgation, filed 3/1/60.] Repealed by Order 847, filed 9/24/69 and 5/27/70.
220-72-002	Promulgation. [Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-002, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-002, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-002, filed 9/24/69.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
220-72-010	Restricted and unrestricted areas—Unlawful acts. [Order 413, § 1(1)-(3), filed 3/1/60.] Repealed by Order 847, filed 9/24/69 and 5/27/70.
220-72-013	Restricted shellfish areas—Drayton Harbor. [Order 847, § 220-72-013, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-016	Restricted shellfish areas—Samish Bay. [Order 847, § 220-72-016, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-019	Restricted shellfish areas—Padilla Bay. [Order 847, § 220-72-019, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-020	Imports. [Order 413, § 2(1)-(5), filed 3/1/60.] Repealed by Order 847, filed 9/24/69 and 5/27/70.
220-72-022	Restricted shellfish areas—Similk Bay. [Order 847, § 220-72-022, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-025	Restricted shellfish areas—Liberty Bay. [Order 847, § 220-72-025, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-028	Restricted shellfish areas—Dyes Inlet. [Order 847, § 220-72-028, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-031	Restricted shellfish areas—Case Inlet—Rocky Bay and North Bay. [Order 847, § 220-72-031, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-034	Restricted shellfish areas—Hammersley Inlet—Oakland Bay. [Order 847, § 220-72-034, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-037	Restricted shellfish areas—Totten Inlet—Oyster Bay. [Order 847, § 220-72-037, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-040	Restricted shellfish areas—Eld Inlet—Mud Bay. [Order 847, § 220-72-040, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-043	Restricted shellfish areas—Nisqually Flats. [Order 847, § 220-72-043, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-046	Restricted shellfish areas—Hood Canal—Quilcene Bay. [Order 847, § 220-72-046, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-049	Restricted shellfish areas—Hood Canal—Lynch Cove. [Order 847, § 220-72-049, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-052	Restricted shellfish areas—Hood Canal—Hamma Hamma Flats. [Order 847, § 220-72-052, filed 9/24/69.]

220-72-055

220-72-058

220-72-061

220-72-064

220-72-067

220-72-070

220-72-073

220-72-079

220-72-082

220-72-085

220-72-087

220-72-088

220-72-090

220-72-091

220-72-092

220-72-094

Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Restricted shellfish areas—Henderson Inlet—South Bay. [Order 847, § 220-72-055, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Restricted shellfish areas—Willapa Bay—Middle Sands. [Order 847, § 220-72-058, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Restricted shellfish areas—Willapa Bay—Nemah. [Order 847, § 220-72-061, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Restricted shellfish areas—Willapa Bay—Bay Center. [Order 847, § 220-72-064, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Restricted shellfish areas—Willapa Bay—Cedar River. [Order 847, § 220-72-067, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Oyster drill unrestricted shellfish areas. [Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-070, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-070, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-070, filed 9/24/69.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.

Unlawful acts—Shellfish transfer. [Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-073, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-073, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-073, filed 9/24/69.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.

Unlawful acts—Compliance. [Order 847, § 220-72-079, filed 9/24/69.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.

Imports—Inspection. [Order 847, § 220-72-082, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Imports—Written permission. [Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-085, filed 4/2/97, effective 5/3/97; Order 1045, § 220-72-085, filed 3/8/73; Order 847, § 220-72-085, filed 9/24/69.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.

European green crab unrestricted area. [Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-087, filed 4/30/03, effective 5/31/03.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.

Imports—Certification. [Order 1045, § 220-72-088, filed 3/8/73; Order 847, § 220-72-088, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Denman Island Disease surveillance area. [Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-090, filed 4/30/03, effective 5/31/03.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.

Imports—Importation period. [Order 1045, § 220-72-091, filed 3/8/73; Order 847, § 220-72-091, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

Denman Island Disease unrestricted area. [Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-092, filed 4/30/03, effective 5/31/03.] Repealed by 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.

Imports—Shipping season. [Order 1045, § 220-72-094, filed 3/8/73; Order 847, § 220-72-094, filed 9/24/69.] Repealed by 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.



**WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound.** All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and inside and bounded by a line projected from:

48°46'32" N. Lat.  
122°40'00" W. Long.; thence to

48°45'55" N. Lat.  
122°40'00" W. Long.; thence to

48°45'55" N. Lat.  
122°39'12" W. Long.; then northerly along the beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside and westerly of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—inside and northerly of the Purdy bridge.

(b) Minter Creek—inside and westerly of a line projected from the east shore at 122°41'00" W. Long. true south to 47°21'00" N. Lat., then true west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a southeasterly direction to Eagle Point.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting near the DuPont Dock on the east shore at 47°07'00" N. Lat. and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—inside and bounded easterly by a line projected from the western most point at Musqueti Point true west to the mainland.

(d) Hamma Hamma Flats and Jorsted Creek—inside and westerly of a line projected from:

47°33'15" N. Lat.  
123°01'42" W. Long.; thence to

47°32'54" N. Lat.  
123°01'06" W. Long.; thence to

47°32'54" N. Lat.  
123°01'48" W. Long.; thence to

47°31'00" N. Lat.  
123°01'54" W. Long.; then true west to shore.

(e) Dosewallips Delta—inside and westerly of lines projected from:

47°41'03" N. Lat.  
122°53'45" W. Long.; thence to

47°41'03" N. Lat.  
122°52'24" W. Long.; thence to

47°42'20.6" N. Lat.  
122°52'24" W. Long.; thence to

47°42'20.6" N. Lat.  
122°52'39" W. Long.

(f) Point Whitney—inside and westerly of lines projected from:

47°45'43.7" N. Lat.  
122°51'02" W. Long.; thence to

45°45'56" N. Lat.  
122°51'02" W. Long.; thence to

45°45'56" N. Lat.  
122°51'12" W. Long.; thence to

47°45'45" N. Lat.  
122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

47°38'46" N. Lat.  
122°54'08" W. Long.; thence to

47°37'55" N. Lat.  
122°56'25" W. Long.



(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

[Statutory Authority: RCW 77.12.047. 05-01-113 (Order 04-318), § 220-72-011, filed 12/15/04, effective 1/15/05; 03-10-041 (Order 03-86), § 220-72-011, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-011, filed 4/2/97, effective 5/3/97.]

**WAC 220-72-015 Oyster drill restricted shellfish areas—Willapa.** All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-015, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-015, filed 4/2/97, effective 5/3/97.]

**WAC 220-72-076 Unlawful acts—Permit required.**

(1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish without first obtaining written permission from the director of fish and wildlife or the director's authorized agent except for market ready shellfish as provided for in this subsection and except for shellfish seed transferred under a shellfish health agreement as provided for in subsection (3) of this section. Such written permit must be affixed to or otherwise accompany the conveyance. Where regular and reoccurring transfers take place, a permit may be issued on an annual basis. Shellfish which are market ready, intended for immediate human consumption, and which will not be placed into or come in contact with state waters may be transferred without a department permit. Failure to obtain a permit or failure to affix the permit or to have the permit accompany the conveyance is punishable under RCW 77.15.350.

(2) Permits will be approved with conditions or denied based on the shellfish disease or pest transfer risk. Existing permits may be revoked, suspended or modified upon a finding of an aquatic disease or pest or upon determination of violation of the conditions of a permit. In the event of revocation, suspension or denial of a permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process. It is unlawful to make any transfer requiring a permit under subsection (1) of this section if a permit has been revoked or suspended. Violation of this subsection is punishable under RCW 77.15.350.

(3) When shellfish health agreements have been made by memoranda of agreement between WDFW and companies which operate shellfish hatcheries, the company may be authorized to transfer shellfish seed to seed buyers without a transfer permit. Shellfish health agreements may be revoked for cause. Shellfish health agreements will require submission of a seed transfer report to the department on a quarterly basis and when requested by authorized department personnel.

[Statutory Authority: RCW 77.12.047. 05-01-113 (Order 04-318), § 220-72-076, filed 12/15/04, effective 1/15/05; 03-10-041 (Order 03-86), § 220-72-076, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 99-10-061 (Order 99-60), § 220-72-076, filed 5/3/99, effective 6/3/99; 97-08-078 (Order 97-56), § 220-72-076, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-076, filed 9/24/69.]

**WAC 220-72-086 European green crab (*Carcinus maenas*) restricted shellfish area.** The European green crab restricted shellfish areas are as follows:

The waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-086, filed 4/30/03, effective 5/31/03.]

**WAC 220-72-089 Denman Island Disease prohibited area.** An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Strait of Juan de Fuca, Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island—

(a) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

(b) West Sound—inside and northerly of a line projected between Caldwell Point and the most southerly point of land west of the community of Orcas.

(c) East Sound—inside and northerly of a line projected between Diamond Point and the most southwesterly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected between the most southerly point of White Point and the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays—southerly and inside of a line projected between Lummi Point and Gooseberry Point and easterly and inside of a line projected between Carter Point and William Point.

(5) Minter Creek—inside and westerly of a line projected from:

The mainland at 122°41'00" W. Long. due south to 47°21'00" N. Lat.,  
122°41'00" W. Long.; thence to

47°21'00" N. Lat. where it intersects the mainland.

(6) McMicken Island—inside and westerly of a line projected between the following two points on the east shore of Hartstene Island:

47°14.084' N. Lat., 122°51.316' W. Long. and  
47°16.224' N. Lat., 122°51.746' W. Long.

(7) Carr Inlet—northerly of a line projected from the northern tip of South Head on Key Peninsula to the most western point of Green Point.

(8) Eld Inlet—southerly of a line projected due north from the northern most point of Cooper Point to the mainland at Edgewater Beach.

(9) Port Orchard—southerly of a line projected from Battle Point projected due west to the mainland; westerly of a line projected from Point White due south to the mainland; and easterly of a line projected from the southern most point of Point Herron due south to the mainland.

(10) Kilisut Harbor—southerly of a line projected from the northeasterly most point on Indian Island north to the most northwesterly point of Marrowstone Island.

[Statutory Authority: RCW 77.12.047, 06-01-015 (Order 05-272), § 220-72-089, filed 12/9/05, effective 1/9/06; 05-01-113 (Order 04-318), § 220-72-089, filed 12/15/04, effective 1/15/05; 03-10-041 (Order 03-86), § 220-72-089, filed 4/30/03, effective 5/31/03.]

## Chapter 220-74 WAC SURPLUS SALMON EGGS

### WAC

220-74-010	Purpose.
220-74-015	Surplus salmon eggs.
220-74-020	Priorities.
220-74-022	Certain sales disallowed.
220-74-025	Purchases.

**WAC 220-74-010 Purpose.** The purpose of this chapter shall be to establish an orderly means for the department to dispose of surplus live salmon eggs in a manner that provides optimum benefits to the citizens of the state.

All surplus salmon eggs sold pursuant to chapter 220-74 WAC shall be used in accordance with the provisions of WAC 220-20-040 through 220-20-045.

[Statutory Authority: RCW 75.08.080, 78-09-071 (Order 78-66), § 220-74-010, filed 8/25/78.]

**WAC 220-74-015 Surplus salmon eggs.** It is the duty of the department to preserve, protect, perpetuate and manage the food fish in the waters of the state so that the taking or other disposition of such food fish shall be at times and in a manner as will not impair the supply thereof. In a manner consistent with this conservation purpose, it is also the department's duty to seek to maintain the economic well-being and stability of the commercial fishing industry of the state. It is also the duty of the department to authorize the harvesting of salmon surplus to natural or artificial spawning requirements for the economic well-being of the citizens of the state.

[Statutory Authority: RCW 75.08.080, 78-09-071 (Order 78-66), § 220-74-015, filed 8/25/78.]

**WAC 220-74-020 Priorities.** (1) It is the duty of the department to assure that egg requirements for state hatcheries are satisfied. Once these requirements have been met, eggs surplus to these requirements will be provided as per RCW 77.95.210.

(2) Prioritized schedule for salmon production. Annually the department shall:

(a) Determine the salmon production capacity of department hatcheries;

(b) Determine the allowable numbers of hatchery-origin salmon that will be allowed to spawn naturally, by location;

(c) Make estimates of the number of adult salmon returning to department facilities;

(d) Solicit requests for viable salmon eggs from the following entities: Volunteer salmon rearing cooperatives established under chapter 77.100 RCW, regional fisheries enhancement groups established under chapter 77.95 RCW, lead entities for salmon recovery as established under chapter 77.85 RCW, government hatcheries in Washington, Oregon and Idaho, and hatcheries of federally recognized Indian tribes in Washington, Oregon and Idaho;

(e) Compile and submit for review by Indian tribes with treaty fishing rights a plan for replenishing fish runs through the use of available viable salmon eggs, including transfers to the entities listed in this subsection; and

(f) Offer an appeal mechanism to any entity denied a transfer of viable salmon eggs.

(3) The department will prioritize projects that utilize surplus viable salmon eggs and outplanting of adult fish. In such prioritization, the department will evaluate all proposed projects in terms of potential benefits and risks. In considering projects that involve placing adult, juvenile or eggs into a body of water, the biological factors that will be considered include, but are not limited to:

(a) Expected salmon recovery benefits;

(b) Effect on ongoing research and monitoring projects;

(c) Nutrient benefit;

(d) Habitat carrying capacity;

(e) Interspecies interactions;

(f) Disease risk;

(g) Ability to monitor effects of introduction;

(h) Biodiversity significance of the wild population;

(i) Genetic similarity of introduced and wild stocks;

(j) Status of populations under the Endangered Species Act or the salmonid stock inventory; and

(k) The proportional mix of hatchery-origin and wild fish.

(4) All projects will be evaluated consistent with documented department protocols and procedures, recovery plans and management agreements, including, but not limited to:

(a) *The WDFW Genetics Manual*;

(b) *The WDFW Spawning Guidelines*;

(c) *The WDFW Stock Transfer Guidelines*;

(d) *The WDFW Fish Health Manual*;

(e) The Co-Managers Fish Disease Control Policy;

(f) The WDFW Wild Salmonid Policy;

(g) WDFW hatchery and genetics management plans;

(h) WDFW fishery management and evaluation plans;

(i) Rules developed under section 4(d) of the Endangered Species Act; and

(j) Take permits issued under sections 7 and 10 of the Endangered Species Act.

(5) Prioritized schedule for egg sales. To encourage the use of surplus live salmon eggs available for sale for the optimum benefit of the citizens of the state, the following priorities will be followed, within practical limitations, in distributing surplus live salmon eggs resulting from returns to artificial production facilities:

(a) Sales to in-state aquaculturists when the eggs would be hatched, the resulting fry reared, by a person or corporation engaged in the fish industry in this state.

(b) Sales to private Oregon sea ranchers where fish are to be released for migration from Oregon sites to the Pacific Ocean and thus subject to the public capture fisheries of the state of Washington.

(c) Sales to the hatcheries located in California and Alaska where the fish are to be released at sites located in those states for migration to the Pacific Ocean for harvest by public capture fisheries and thus subjected to public capture by fishermen of the state of Washington.

(d) Sales to other state, federal and private aquaculture programs.

(e) Sales to foreign governmental entities.

[Statutory Authority: RCW 77.100.060, 02-10-023 (Order 02-79), § 220-74-020, filed 4/23/02, effective 5/24/02. Statutory Authority: RCW 75.08.080, 79-10-013 (Order 79-75), § 220-74-020, filed 9/7/79; 78-09-071 (Order 78-66), § 220-74-020, filed 8/25/78.]

**WAC 220-74-022 Certain sales disallowed.** (1) Sales of surplus eggs as described in WAC 220-74-020 shall not be allowed where the person or corporation seeking to buy said eggs has not paid all fees and taxes due and owing to the state of Washington.

(2) Notwithstanding the provisions of chapter 220-74 WAC, the department reserves the right to refuse to sell surplus salmon eggs to any purchaser for good cause.

[Statutory Authority: RCW 75.08.080, 84-05-046 (Order 84-11), § 220-74-022, filed 2/21/84; 79-10-013 (Order 79-75), § 220-74-022, filed 9/7/79.]

**WAC 220-74-025 Purchases.** Purchases of surplus salmon eggs will occur within the following framework:

(1) The price of eggs sold during a spawning season will be determined by the director after reviewing the results of an annual assessment of existing marketing conditions. The price will be the same for all purchases.

(2) Within priority 1, requests for available eggs will be satisfied in accordance with the earliest date of receipt of the application for a salmon aquaculture permit by the department (WAC 220-76-010): Provided, That a firm request for eggs is received prior to September 1. All firm requests for eggs received after September 1 will be satisfied in order of their receipt on an eggs-available basis.

(3) Within priority 1, up to one million eggs will be offered to the first qualified applicant before selling eggs to the next applicant. If eggs are still available after each applicant has had an opportunity to buy one million eggs, the procedure will be repeated until all requests within this priority have been satisfied.

(4) Within priorities 2 and 3, requests for eggs will be satisfied in accordance with the firm requests that have the greatest likelihood of contributing to the public capture fisheries of the state of Washington.

(5) Within priorities 4 and 5, requests for eggs will be satisfied in accordance with the earliest firm requests for eggs received.

[Statutory Authority: RCW 75.08.080, 78-09-071 (Order 78-66), § 220-74-025, filed 8/25/78.]

[Title 220 WAC—p. 154]

## Chapter 220-76 WAC

### AQUACULTURE

#### WAC

220-76-001	Aquaculture.
220-76-010	Aquatic farm registration required.
220-76-015	Aquatic farm—Definition.
220-76-020	Aquatic farm registration form—Required information.
220-76-030	Aquaculture—Disease—Control.
220-76-100	Marine finfish aquaculture—Approval permit for marine finfish aquaculture.
220-76-110	Marine finfish aquaculture—Escape prevention plan required.
220-76-120	Marine finfish aquaculture—Escape reporting and recapture plan required.
220-76-130	Marine finfish aquaculture—Aquaculture facility inspection authority.
220-76-140	Marine finfish aquaculture—Atlantic salmon watch program established.
220-76-150	Marine finfish aquaculture—Educational program for marine finfish aquatic farmers.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-76-016	Aquaculture—Salmon eggs—Resale. [Order 980, § 220-76-016, filed 2/3/72.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.
220-76-025	Aquaculture—Sale of products—Invoices. [Order 980, § 220-76-025, filed 2/3/72.] Repealed by 86-19-043 (Order 86-102), filed 9/12/86. Statutory Authority: RCW 75.08.080 and 75.58.040.

**WAC 220-76-001 Aquaculture.** It shall be unlawful for any person, firm, or corporation to cultivate food fish, shellfish, or other aquatic animals for commercial purposes except as follows in chapter 220-76 WAC.

[Order 980, § 220-76-001, filed 2/3/72.]

**WAC 220-76-010 Aquatic farm registration required.** (1) It shall be unlawful for any person to cultivate aquatic products (private sector cultured aquatic products as defined under RCW 15.85.020(3)) without the aquatic farmer having first registered the aquatic farm with the department. Any aquatic farm must be registered with the department prior to the commencement of culture activities. The department shall grant registration to qualified persons within seven days of the receipt of a complete aquatic farm registration form.

(2) Aquatic farm registrations are nontransferable. In the event there is a change of ownership of an aquatic fish farm established under chapter 220-76 WAC the aquatic farm registration issued to the previous owner shall be invalid.

(3) Registrations must be renewed annually, prior to December 31 for the succeeding calendar year. Reporting of aquaculture activity (WAC 220-69-243) during the previous calendar year shall constitute renewal for the following year.

[Statutory Authority: RCW 75.08.080 and 75.58.040, 89-10-033 (Order 89-27), § 220-76-010, filed 4/27/89; 86-19-043 (Order 86-102), § 220-76-010, filed 9/12/86. Statutory Authority: RCW 75.08.080, 84-05-046 (Order 84-11), § 220-76-010, filed 2/21/84; Order 980, § 220-76-010, filed 2/3/72.]

**WAC 220-76-015 Aquatic farm—Definition.** An aquatic farm is any facility or tract of land used for private, commercial culture of aquatic products. Each geographically separate facility or tract of land used for commercial culture shall constitute a separate farm site location. In applying for aquatic farm registration for shellfish, the applicant must

(2007 Ed.)

identify the farm site using the same description used for applying for the department of health harvest site certificate required to harvest shellfish for sale for human consumption.

[Statutory Authority: RCW 77.12.047, 06-09-020 (Order 06-70), § 220-76-015, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080 and 75.58.040, 86-19-043 (Order 86-102), § 220-76-015, filed 9/12/86; Order 980, § 220-76-015, filed 2/3/72.]

#### **WAC 220-76-020 Aquatic farm registration form—**

**Required information.** There is hereby created an aquatic farm registration form to be prepared, printed, and distributed on request by the department of fisheries. The following information shall be provided by the aquatic farmer.

(1) Company name/owner: Name of individual or company owning or leasing the aquatic farm, mailing address and telephone number.

(2) Contact person: Name and telephone number of the individual immediately responsible for operation of the aquatic farm.

(3) DSHS shellfish certification no.: Department of social and health services shellfish certification number where required by the department of social and health services.

(4) Species cultured: Common name of aquatic species cultured.

(5) Culture method: Method(s) of cultured used on aquatic farm.

(6) Legal description, street address, county and aquaculture district for freshwater or onshore aquatic farm, and the number of separate tracts or facilities within that district which comprise the aquatic farm.

(7) Name of bay or inlet, county and aquaculture district for marine aquatic farms.

(8) Signature: Signature of company official or owner.

(9) A site drawing of the aquatic farm and a brief narrative describing the facility and its operation. Freshwater farms should identify the source of culture water, where the water is discharged, and the watershed where the facility is located.

(10) Documentation of ownership or present right of possession of land comprising the aquatic farm is required to be submitted together with the aquatic farm registration form.

[Statutory Authority: RCW 75.08.080 and 75.58.040, 89-10-033 (Order 89-27), § 220-76-020, filed 4/27/89; 86-19-043 (Order 86-102), § 220-76-020, filed 9/12/86; Order 980, § 220-76-020, filed 2/3/72.]

#### **WAC 220-76-030 Aquaculture—Disease—Control.**

Outbreaks of disease affecting food fish, shellfish, and aquatic animals in fish farm facilities shall be reported immediately to the department. If such outbreaks represent a serious threat to fisheries resources of the state, the director may immediately order such actions as deemed necessary to protect the fisheries resource of the state such as, but not limited to, quarantining, destruction of stock, sterilization of facilities and disposal of mortalities.

[Order 980, § 220-76-030, filed 2/3/72.]

#### **WAC 220-76-100 Marine finfish aquaculture—**

**Approval permit for marine finfish aquaculture.** (1) It is unlawful for any aquatic farmer to possess any species, stock or race of marine finfish, defined as finfish being raised in

(2007 Ed.)

marine waters, in net pens, cages or other rearing vessels without having first obtained and possessing a valid marine finfish aquaculture permit from the director for that species, stock and race at that specific location of rearing or holding. The director will approve, condition, or deny a permit within sixty days after a completed application containing all requested information is received by the department's aquaculture coordinator. The application must be accompanied by an escape prevention plan and the escape reporting and recapture plan as required by this chapter. A permit may be denied based on the determination by the director of significant genetic, ecological or fish health risks of the proposed fish rearing program on naturally occurring fish and wildlife, their habitat or other existing fish rearing programs. The use of transgenic fish (as defined by the actual transfer of genetic material from one species to another) is prohibited. Each permit application must contain a means mutually agreed to by the department and the aquatic farmer to individually identify to the aquatic farmer all marine finfish in aquaculture hatched after December 31, 2003. A permit will be valid for a period of five years from the date of approval. The department will comply with the procedures of any appropriate federal court order in processing permit applications. Any change in species, stock, or race at a specific location of rearing or holding will require reapproval of the marine finfish rearing operation. In the event of denial, the affected person may appeal the decision to the director. The department will advise the person of the appeals process. Additional appeals may be made through the Administrative Procedure Act (chapter 34.05 RCW).

(2) Any person who imports marine finfish into the state for aquaculture or transports marine finfish within the state for aquaculture and who does not have an approved marine finfish aquaculture permit is guilty of unlawfully transporting finfish. Violation of this section shall be enforced under RCW 77.15.290.

[Statutory Authority: RCW 77.12.047, 03-02-047 (Order 02-309), § 220-76-100, filed 12/24/02, effective 7/1/03.]

#### **WAC 220-76-110 Marine finfish aquaculture—**

**Escape prevention plan required.** A fish escape prevention plan is required with each application for a marine finfish aquaculture permit and approval by the department of the fish escape prevention plan is required before issuance of a marine finfish aquaculture permit.

(1) The escape prevention plan must include:

(a) Routine procedures and best management procedures used to minimize the risk of escapement from pens during normal day-to-day operations.

(b) Procedures to minimize escapements in the event the net-pens need to be moved, repaired, or manipulated in any manner, or during stocking or harvesting operations, which could result in a release of fish to state waters. At a minimum, prior to the net-pens being moved, a bathymetric analysis should be made along the intended travel route(s) to ensure adequate depth and the absence of underwater hazards or obstructions.

(c) Procedures for routine training of employees and contractors in escape prevention.

(d) Procedures for routinely determining and tracking the number of fish in each pen lost due to predation and mortality, and the number of fish lost due to escapement.

(e) Procedures for monitoring the implementation of (a) through (d) of this subsection.

(2) For the purpose of meeting the requirements of this section, plans and manuals required by the department of ecology through the National Pollutant Discharge Elimination System (NPDES) permit process may be submitted for approval.

(3) Marine finfish aquaculture farmers are required to implement the provisions of their approved fish escape prevention plan. Failure to implement the provisions of an approved escape prevention plan may result in invalidation of the marine finfish aquaculture permit. A notice of failure to comply with the fish escape prevention plan requirements will be given prior to invalidation of the permit, and the aquaculture farmer will have not less than seven nor more than ninety days to correct the conditions or status that caused the notice to be given. If the marine finfish aquaculture permit is invalidated, any transportation of finfish shall be treated as a violation of RCW 77.15.290.

[Statutory Authority: RCW 77.12.047. 03-02-047 (Order 02-309), § 220-76-110, filed 12/24/02, effective 7/1/03.]

**WAC 220-76-120 Marine finfish aquaculture—Escape reporting and recapture plan required.** (1) It is the responsibility of aquatic farmers to report an escape of marine finfish and to attempt to recapture escaped fish. Escaped marine finfish will be treated by the department the same as feral fish, and the department may augment capture and removal of such fish by scheduling recreational or commercial fisheries.

(2) An escape reporting and recapture plan is required with each application for a marine finfish aquaculture permit and approval by the department of the fish escape reporting and recapture plan is required before issuance of a marine finfish aquaculture permit.

(3) The escape reporting and recapture plan must include:

(a) Reporting procedure. Procedures for determining what constitutes a reportable fish escape. An emergency contact list in the event of a reportable fish escape from the permittee's net-pens, including local government, the department and the Washington department of ecology.

(b) Procedures requiring the permittee to report any reportable fish escape, within twenty-four hours of the permittee having knowledge of that escape, to local government, the department, and ecology. The report shall include the location, number, age class, disease and medication history, and cause of escape.

(c) Procedures to recapture escaped fish. Each marine aquatic farming location shall have a procedure for attempting recapture of escaped fish. The plan may include the use of facilities' skiffs, seines or nets and/or tribal and commercial fishers acting under contract with the aquaculture facility. For all reportable escapes, the permittee shall also submit a follow-up report describing all fish recovery efforts initiated in response to the escape, and effectiveness of the recovery efforts.

(d) Emergency procedures that will be taken to minimize the number of escaped fish.

(e) In the event the escaped fish were being treated with antibiotics or other drugs subject to USFDA withdrawal requirements and the withdrawal periods had not expired at the time of the escape, the permittee shall also include this information in the report required by (b) of this subsection, and shall provide a copy of the report to the Washington state department of health.

(4) For the purpose of meeting the requirements of this section, plans and manuals required by the department of ecology through the National Pollutant Discharge Elimination System (NPDES) permit process may be submitted for approval.

(5) The permittee shall submit, by the last day in February, an annual fish escape report to the department, covering the previous calendar year. The report shall summarize, by month and pen site, the number, age class, disease and medication history, and cause of all fish escapes to waters of the state. The permittee shall summarize the actions taken over the previous year to prevent the escape of fish to state waters.

(6) Marine finfish aquaculture farmers are required to implement the provisions of their approved fish escape reporting and recapture plan. Failure to implement the provisions of an approved escape reporting and recapture plan may result in invalidation of the marine finfish aquaculture permit. A notice of failure to comply with the fish escape recapture and reporting requirements will be given prior to invalidation of the permit, and the aquaculture farmer will have not less than seven nor more than ninety days to correct the conditions or status that caused the notice to be given. If the marine finfish aquaculture permit is invalidated, any transportation of finfish shall be treated as a violation of RCW 77.15.290.

[Statutory Authority: RCW 77.12.047. 03-02-047 (Order 02-309), § 220-76-120, filed 12/24/02, effective 7/1/03.]

**WAC 220-76-130 Marine finfish aquaculture—Aquaculture facility inspection authority.** Authorized department employees shall, at reasonable times and in a reasonable manner, have access to marine aquatic farming locations to conduct inspections to determine conformity with the law and the rules of the department relating to preventing escaped finfish and/or the recapture of escaped finfish. The department shall conduct at least annual inspections of marine finfish aquaculture facilities of the state.

[Statutory Authority: RCW 77.12.047. 03-02-047 (Order 02-309), § 220-76-130, filed 12/24/02, effective 7/1/03.]

**WAC 220-76-140 Marine finfish aquaculture—Atlantic salmon watch program established.** Contingent on funding, the director shall develop and implement an Atlantic salmon watch program which will include the following elements:

(1) Establish an Atlantic salmon watch coordinator position whose responsibilities include providing a focal point for consolidation of scientific information and implementation of subsections (2) through (5) of this section.

(2) Develop and maintain a system to record and report observations and catch of Atlantic salmon in waters of the state, including modification of the recreational catch data

reporting system, the commercial fish ticket reporting system, education of volunteers to identify and report spawning sites, and monitoring of selected watersheds to detect spawning Atlantic salmon.

(3) Model the impact of Atlantic salmon on naturally produced and cultured finfish stocks by estimates of identification of Atlantic salmon standing crop or populations in the wild, detailed life history requirements, and estimates of niche overlap.

(4) Coordination with marine finfish aquatic farmers under WAC 220-76-110 for the reporting of escapes of Atlantic salmon from marine aquatic farming locations, and adjustment of escape prevention plans filed with the department under WAC 220-76-100 to prevent future escapes.

(5) Provide public information on recreational opportunity in the event of an escape, assist the public in understanding the effect of Atlantic salmon escapes on native populations, and provide a public contact for all department efforts regarding Atlantic salmon.

[Statutory Authority: RCW 77.12.047. 03-02-047 (Order 02-309), § 220-76-140, filed 12/24/02, effective 7/1/03.]

**WAC 220-76-150 Marine finfish aquaculture—Educational program for marine finfish aquatic farmers.** Contingent on funding, the director shall develop and implement an educational program with marine aquatic farmers which will include the following elements:

(1) WDFW will notify aquatic farmers of upcoming WDFW hatchery workshops, meetings or tours with regard to hatchery disease control procedures and prevention, feeding and waste control at hatcheries and programs investigating raising marine finfish species.

(2) Annual "workshop" co-hosted by the industry, WDFW and other interested parties reviewing new containment technologies, or other environmental developments affecting the aquaculture industry.

(3) Information sharing by WDFW from any regional or international symposiums attended by WDFW staff covering aspects of marine finfish aquaculture.

[Statutory Authority: RCW 77.12.047. 03-02-047 (Order 02-309), § 220-76-150, filed 12/24/02, effective 7/1/03.]

## Chapter 220-77 WAC AQUACULTURE DISEASE CONTROL

### WAC

220-77-010	Intent.
220-77-020	Definitions—Aquaculture disease control.
220-77-030	Finfish aquaculture disease control.
220-77-040	Shellfish aquaculture disease control.
220-77-050	Amphibian aquaculture disease control.
220-77-060	Marine plant aquaculture disease control.
220-77-065	Kelp importation—Permit required.
220-77-070	Aquaculture disease control—Emergency provisions.
220-77-080	Aquaculture fee schedule.
220-77-081	Aquaculture facility inspection authority.
220-77-082	Recordkeeping.
220-77-090	Ballast water management and control—Reporting and sampling requirements.
220-77-095	Interim ballast water discharge standard approval process.

**WAC 220-77-010 Intent.** The intent of this chapter is to establish rules that promote the health, productivity and well- (2007 Ed.)

being of aquaculture products and the wild stock fisheries. These rules will identify the conditions that will be required for transfer and importation of live aquaculture products and the circumstances when action will be taken to control disease. These rules have been developed jointly by the department and the department of agriculture.

[Statutory Authority: RCW 77.12.047. 02-02-013 (Order 01-281), § 220-77-010, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010. 87-08-033 (Order 87-20), § 220-77-010, filed 3/27/87.]

**WAC 220-77-020 Definitions—Aquaculture disease control.** For purposes of this chapter, the following definitions apply:

(1) "Aquaculture products" are defined as private sector cultured aquatic products propagated, farmed, or cultivated on aquatic farms under the supervision and management of an aquatic farmer, or such products naturally set on lands under the active supervision and management of an aquatic farmer.

(2) "Disease" is defined as infection, contagious disease, parasite, or pest, occurring on or within the aquaculture product, or other shellfish or finfish, or on or within the water or substrate associated with the aquaculture product, shellfish, or finfish, or an occurrence of significant mortality suspected of being of an infectious or contagious nature.

(3) "Finfish" is defined as live fish, fish eggs, or fish gametes, but not to include aquaria species commonly sold in the pet store trade when raised in containers that do not discharge to the water[s] of the state, indigenous marine baitfish, or mosquito fish.

(4) "Shellfish" is defined as all aquatic invertebrates except insects.

(5) "Epizootic" is defined as the occurrence of a specific disease which can be detected in fifty percent of the mortality or moribund individual fish in an affected container or shellfish on an affected bed or within an affected population, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any thirty-day period.

(6) "Marine plant" is defined as nonvascular plants belonging to the phyla Chlorophyta, Phaeophyta, or Rhodophyta and vascular plants belonging to the family Zosteraceae when growing in marine or estuarine waters, and includes the seeds, spores, or any life-history phase of the plants.

(7) "Working day" is defined as any day other than Saturday, Sunday, or a Washington state holiday.

(8) "Department" is defined as the department of fish and wildlife.

(9) "Quarantine" is defined as isolation of the organism in a department approved facility.

(10) "Pest" is defined as parasite, parasitoid, predator, or fouling agent.

(11) "Established species" is defined as a species that has been propagated through aquaculture for at least ten years in Washington, or a species naturally reproducing within Washington.

(12) "West coast commerce region" is defined as the states of Alaska, California, Oregon, and Washington and the province of British Columbia.

(13) "Kelp" is defined as any species of brown algae of the order Laminariales.

(14) "Class A shellfish disease" is defined as an infectious disease which can cause significant mortality or loss of condition or quality in affected shellfish.

(15) "Class B shellfish disease" is defined as an infectious disease which is not known to cause significant mortality or loss of condition or quality in affected shellfish.

(16) "Market ready shellfish" are defined as aquatic invertebrate species which are intended for immediate human consumption and will not be placed into or come in contact with state waters.

(17) "Authorized finfish inspector" shall be defined as the individual who conducts or supervises testing in an authorized laboratory and attests to the results obtained. This individual signs/cosigns inspection and diagnostic reports and health certificates. The director shall maintain and provide upon request a roster of authorized finfish inspectors. An authorized finfish inspector shall be currently recognized by one of the following entities: The American Fisheries Society, Fish Health Section (either as Fish Health Inspector or Fish Pathologist); United States Fish and Wildlife Service, Title 50 Inspector; Canadian Department of Fisheries and Oceans, Fish Health Official or Inspector; Supervising veterinarian in a laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD).

(18) "Laboratory inspection report" is defined as the written results of testing conducted by an authorized finfish inspector.

(19) "Lot of fish" shall be defined as a group of fish of the same species and age that originated from the same spawning stock and share a common water supply.

(20) "Regulated finfish pathogens" are defined as the following pathogens which, upon initial detection within Washington state, or detection from a site within Washington state that has been pathogen-free for three or more years, require notification within one working day to the fish health unit of the department, who will, in turn, notify the state veterinarian of the detection:

(a) Viruses:

(i) Infectious hematopoietic necrosis virus;

(ii) Infectious pancreatic necrosis virus;

(iii) Viral hemorrhagic septicemia virus;

(iv) Oncorhynchus masou virus; and

(v) Infectious salmon anemia virus.

(b) Parasite: *Myxobolus cerebralis*.

(21) "Terminal quarantine facility" is defined as a department-approved quarantine facility where imported aquatic invertebrates are held for public display or research purposes only, with minimal risk that the organisms will be released or that untreated quarantine facility holding waters will commingle with state waters. The operation plan of the quarantine facility must be approved by the department prior to the introduction of any organisms. At the conclusion of the public display or research, the organisms held in quarantine shall be destroyed and all waters and waste disinfected and disposed of using methods approved by the department.

[Statutory Authority: RCW 77.12.047, 02-06-018 (Order 02-35), § 220-77-020, filed 2/22/02, effective 3/25/02; 02-02-013 (Order 01-281), § 220-77-020, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.08.080, 97-08-078 (Order 97-56), § 220-77-020, filed 4/2/97, effective 5/3/97. Stat-

tutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-020, filed 3/27/87.]

**WAC 220-77-030 Finfish aquaculture disease control.** (1) It is unlawful for any person to import into or transport within the state of Washington finfish aquaculture products without first having obtained a permit to do so issued by the department. A copy of the transport permit shall accompany the finfish aquaculture products at all times within the state of Washington, and must be presented upon request to authorized department employees.

(2) The director may impose conditions on a transport permit as necessary to ensure the protection of aquaculture products and native finfish from disease when the director concludes that there is a reasonable risk of disease transmission associated with the finfish aquaculture products.

(3) Upon the initial detection of a regulated pathogen, the department's fish health unit must be notified by the end of the following working day after diagnosis is made. The department will confirm or deny the presence of the regulated pathogen. Pending confirmation the department may take action under WAC 220-77-070 (1)(a) or (b).

(4) The director will issue, upon request, copies of the rules and policies dealing with finfish disease control.

(5) The director will issue or deny a transport permit within thirty days after a completed application containing all requested information is received by the department's fish health unit.

(6) Violation of these rules or the conditions of the transport permit may result in the suspension or revocation of the permit.

(7) In the event of denial, suspension, or revocation of a transport permit, the affected person may appeal the decision to the director. The department will advise the person of the appeals process. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW). A suspended or revoked transport permit will remain suspended or revoked during the appellate process.

(8) Any person desiring to conduct *in vivo* research using a regulated finfish pathogen is required to first obtain permission in writing from the department prior to beginning the research.

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-030, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-030, filed 3/27/87.]

**WAC 220-77-040 Shellfish aquaculture disease control.** (1) It is unlawful for any person to import into Washington or possess live imported aquatic invertebrates, except market ready shellfish, without first obtaining an aquatic invertebrate import permit issued by the department. A copy of the permit shall accompany the aquatic invertebrates at all times within the state of Washington, and must be presented upon request to department employees.

(2) The director shall appoint a seven-member advisory committee consisting of one representative each from the department, the department of agriculture, the aquatic farmers of Washington, the federally recognized treaty tribes, private displayers of aquatic invertebrates, aquatic invertebrate ecologists, and aquatic invertebrate disease control specialists. The committee will advise the department on importa-

tion of aquatic invertebrates, make recommendations on classification of shellfish diseases, and review department policy. Recommendations of the committee are not binding on the commission or director.

(3) Established species from existing import areas with current disease free tissue certification from areas of origin free of Class A shellfish diseases are eligible for continued importation.

(a) An additional disease free tissue certification must be submitted every three years. The department will waive the certification requirement if there is sufficient information that the source area is free of Class A shellfish diseases.

(b) Additional disease free certification may be required upon discovery or reports of disease at the geographic source.

(4) Established species from new areas of origin are eligible for import if health history documentation and disease free tissue certification are provided to the department. Import into quarantine is required for imports originating from outside the west coast commerce region.

(a) Conditional importation approval will be initiated by permit application.

(b) Presence of any Class A shellfish disease in the area of origin will result in denial of conditional approval.

(c) At least one additional disease free certification will be required during the first year of importation. In the absence of disease during the first year of importation, established species will be eligible for continued importation, and the provisions of subsection (3) of this section will apply.

(5) Nonestablished species for which a health history documentation and disease free tissue certification have been initiated by permit application are eligible for importation only into quarantine.

A SEPA check list is required for any importation of a new species.

(6) Health history documentation will be based on available documentation over the five years prior to application for an import permit, unless a longer documentation is required for cause, and is required to be provided by the applicant. Disease free tissue certification is required from representative invertebrates proposed for import, and must be certified by a department-approved invertebrate health care professional. Disease-free tissue certification may be waived for aquatic invertebrate species placed into a terminal quarantine facility upon approval of an aquatic invertebrate import permit application.

(7) Department employees may inspect quarantine facilities used for permitted shellfish imports at reasonable times without prior notification.

(8) Importers are required to immediately report to the department any epizootic, significant mortality potentially attributable to an infectious disease or discovery of a Class A shellfish disease in an approved source area. The report is required to be made within 24 hours of the event or discovery. Annual reporting of the presence or absence of Class A or Class B shellfish diseases may be a condition of any permit.

(9) Violation of these rules or the conditions of the permit, confirmation of a Class A shellfish disease at the geographic source, or verification of a substantial shellfish mortality at the geographic source may result in the suspension or revocation of the import permit.

(2007 Ed.)

In the event of denial, suspension, or revocation of an import permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process.

[Statutory Authority: RCW 77.12.047. 02-06-018 (Order 02-35), § 220-77-040, filed 2/22/02, effective 3/25/02. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-77-040, filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.58.010. 87-08-033 (Order 87-20), § 220-77-040, filed 3/27/87.]

**WAC 220-77-050 Amphibian aquaculture disease control.** (1) It is unlawful to import into the state of Washington amphibian aquaculture products without having first obtained a permit to do so issued by the director.

(2) It is unlawful to possess African clawed frogs for aquaculture.

[Statutory Authority: RCW 75.58.010. 87-08-033 (Order 87-20), § 220-77-050, filed 3/27/87.]

**WAC 220-77-060 Marine plant aquaculture disease control.** (1) It is unlawful for any person to import into the state of Washington marine plant aquaculture products without having first obtained a permit to do so issued by the department. A copy of the permit shall accompany the imported marine plant aquaculture products at all times until the initial point of entry into the marine environment, and must be presented upon request to department employees.

(2) The director may impose permit conditions as necessary to ensure the protection of aquaculture products and native marine plants from disease or pests when the director concludes there is a reasonable risk of disease or pest transmission associated with marine plant aquaculture products.

(3) For *Porphyra yezoensis* and *P. tenera*, the director will issue import and transfer permits if the plants are in the form of:

(a) Unialgal conchocelis culture of free living material; or

(b) Conchocelis-phase culture in shells after the shells and conchocelis have been washed and soaked in fresh water for at least twenty-four hours; or

(c) Blade phase on netting after two weeks at a temperature of minus twenty degrees centigrade or lower.

(4) For import of other species, the department will consider at least the following criteria, which may require the importer to provide a detailed life history and comply with the requirements of SEPA:

(a) The ability of the marine plant aquaculture product to naturally reproduce or interbreed with existing species in state waters.

(b) The ability of the marine plant aquaculture product to compete with existing species.

(5) Importation of marine plant aquaculture products for scientific study in a laboratory or under other controlled conditions is allowed without having obtained a permit when measures are taken to prevent release of the products or release of their gametes, spores, or tissue fragments into state waters. The director may inspect facilities to ensure appropriate control measures.

(6) For purposes of verification of the disease-free status of the marine plant aquaculture product in subsections (3),



(4), and (5) of this section, the department may require sufficient samples for evaluation. In event of failure to obtain permit approval, consideration will be given to introduction after laboratory production of a second generation.

(7) It is unlawful to transfer marine plant aquaculture products between any of the following geographic areas without having first obtained a transfer permit: Columbia River; Pacific Ocean waters; Willapa Harbor; Grays Harbor; Puget Sound. No transfer permit is necessary for transfer within any of the geographic regions described above. When required, a copy of the transfer permit shall accompany the marine plant aquaculture products at all times until the products are reintroduced into state waters, and the transfer permit must be presented upon request to department employees.

(8) Violation of these rules, or the condition of any permit may result in suspension or revocation of the permit.

(9) In the event of denial, suspension, or revocation of an importation or transfer permit, the affected person may appeal the decision to the director. Additional appeals may be made through the Administrative Procedure Act (chapter 34.04 RCW). A suspended or revoked permit will remain suspended or revoked during the appellate process.

[Statutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-060, filed 3/27/87.]

**WAC 220-77-065 Kelp importation—Permit required.** (1) It is unlawful for any person to import kelp into the state of Washington for use in the herring spawn on kelp fishery without first having obtained a permit to do so issued by the department. A copy of the permit must accompany the imported kelp at all times until the kelp is placed into the marine environment and must be presented upon request to department employees.

(2) The director may impose permit conditions as necessary to ensure protection of aquaculture products and native species from disease when the director concludes that there is a risk of disease transmission associated with the imported kelp.

(3) A kelp import permit is not transferrable.

(4) Violation of these rules or the conditions of a permit may result in suspension or revocation of the kelp import permit. In the event of denial, suspension or revocation of a kelp import permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process.

[Statutory Authority: RCW 75.08.080, 97-08-078 (Order 97-56), § 220-77-065, filed 4/2/97, effective 5/3/97.]

**WAC 220-77-070 Aquaculture disease control—Emergency provisions.** (1) The director may take the following emergency enforcement actions when evidence indicates these actions are necessary to protect aquaculture products and native stocks from disease causing severe mortality:

(a) Deny issuance of an transport permit.

(b) Quarantine the aquaculture products.

(c) Confiscate or order the destruction of the aquaculture products.

(d) Require removal of the aquaculture product from state waters.

[Title 220 WAC—p. 160]

(2) For finfish, shellfish, amphibian, and marine plant aquaculture products:

(a) Quarantine may be ordered without a hearing when aquaculture products are transferred without appropriate inspections or permits or transferred in violation of the conditions of a permit.

(b) Quarantine may be ordered without a hearing when evidence demonstrates that aquaculture products, previously imported, may introduce a disease not known to occur in Washington.

(3) For finfish aquaculture products, if an epizootic caused by a regulated finfish pathogen is detected, quarantine may be ordered without a hearing.

(4) For shellfish aquaculture products, an outbreak of serious mortality in which contagious disease is suspected may result in quarantine or require removal of the suspected diseased shellfish aquaculture products from state waters, subject to the aquatic farmer's right to an emergency departmental hearing, if removal from state waters is ordered.

(5) When there is evidence that continued presence of aquaculture products in state waters may cause disease that would harm other aquaculture products or native fauna or flora, the director may order quarantine, confiscation, destruction, or removal from state waters. Except as provided for in subsection (3) of this section, the aquatic farmer has a right to a departmental hearing. In the event the director has ordered emergency action of confiscation, destruction, or removal from state waters, the director shall give notice to the affected aquatic farmer. At the time of notice of emergency action, the affected aquatic farmer may request an emergency departmental hearing. If requested, the hearing will take place no later than the third working day after notice is received by the aquatic farmer. The hearing will be presided over by a hearing officer appointed by the director, who will consider the severity of the disease outbreak, remedies, and alternate courses of action. The hearing officer shall present a recommendation to the director. The director will then review the emergency action and, if appropriate, order confiscation, destruction, or removal from state waters. If so ordered, the emergency action will take place no sooner than forty-eight hours after service of the order. If no request for an emergency departmental hearing is received, the emergency action of confiscation, destruction, or removal from state waters, may take place immediately after the third working day after the notice is served on the aquatic farmer.

(6) If the department refuses to issue a transport permit, or orders quarantine or isolation of aquaculture products, the aquatic farmer has a right to a hearing under the Administrative Procedure Act (chapter 34.04 RCW).

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-070, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010, 87-08-033 (Order 87-20), § 220-77-070, filed 3/27/87.]

**WAC 220-77-080 Aquaculture fee schedule.** (1) The following is a list of the charges to be assessed for tissue samples submitted to the department for pathogen examination, miscellaneous charges, and the finfish transport permit issuance fee. All samples for stock certification must be collected by department personnel or individuals approved by the department.

Virology

Kidney/spleen or other tissue	\$25/sample
Ovarian fluid	20/sample

Bacteriology

Bacterial Kidney Disease	
- FAT	\$7/sample
Culture and characterization	10/sample
Gram stain	1/sample

Parasitology

<u>C. shasta</u>	\$1/fish
<u>M. cerebralis</u>	\$4.00/fish (0-30 grams)
	\$5.00/fish (30-100 grams)
	\$15.00/fish (>100 grams)

Collection Fees

Collecting samples (includes travel time)	\$35/hour
Mileage	at published OFM rates
Per diem (if applicable)	at published OFM rates

Diagnostic Service

Diagnostic services (includes travel time)	\$35/hour
Mileage	at published OFM rates
Per diem (if applicable)	at published OFM rates
Finfish transport permit	\$50.00

(2) The funds received from the aquatic farmers who use disease inspection, other services provided by department personnel, and finfish transport permit revenues shall be placed into a designated account. Funds from the account shall be used solely for administering the disease inspection and control program.

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-080, filed 12/21/01, effective 1/21/02. Statutory Authority: RCW 75.58.010, 89-06-031 (Order 89-06), § 220-77-080, filed 2/24/89.]

**WAC 220-77-081 Aquaculture facility inspection authority.** Authorized department employees shall, at reasonable times and in a reasonable manner, have access to all finfish aquaculture facilities to conduct inspections for the prevention and suppression of aquaculture diseases, including, but not limited to, taking samples for detection of regulated finfish pathogens and other diseases. If the department is denied access, a court of competent jurisdiction may issue a search warrant authorizing access to the facility upon a showing that the facility is engaged in aquaculture production and that access has been denied.

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-081, filed 12/21/01, effective 1/21/02.]

**WAC 220-77-082 Recordkeeping.** It is the responsibility of a registered finfish aquatic farmer to maintain records of laboratory inspection reports on the live product of that finfish aquatic farmer issued for the previous twenty-four months. It is the responsibility of a finfish aquatic farmer to maintain records of shipments of all live products to other sites or facilities that occurred during the previous twenty-four months, which shipment reports must contain, at a minimum, the shipping date, species, amount, and name and address of the receiver of the shipment. Laboratory inspection reports and shipping reports must be made available to authorized department employees. Records of a proprietary

(2007 Ed.)

nature, such as lists and addresses of clients, are not public records and are not available for public inspection.

[Statutory Authority: RCW 77.12.047, 02-02-013 (Order 01-281), § 220-77-082, filed 12/21/01, effective 1/21/02.]

**WAC 220-77-090 Ballast water management and control—Reporting and sampling requirements.** (1) Vessels which are subject to chapter 77.120 RCW and which intend to discharge ballast water into Washington state waters must report ballast water management information at least twenty-four hours prior to entering Washington waters by filing a ballast water report pursuant to Title 33 C.F.R. Part 151.2045 with the department's designated agents as follows:

(a) Vessels bound for Puget Sound or coastal ports must file their ballast water reporting form with the Marine Exchange of Puget Sound in Seattle. Forms must be submitted by fax or in electronic format.

(b) Vessels bound for Washington ports on the Columbia River must file their ballast water reporting form with the Merchants Exchange of Portland. Forms must be submitted by fax or in electronic format.

(2) Vessels not intending to discharge ballast water into Washington state waters shall notify the department in one of the following ways:

(a) Vessel operators who do not wish to file a ballast water reporting form may send a signed letter to the state ANS coordinator, at Department of Fish and Wildlife, 600 Capitol Way No., Olympia, WA 98501-1091, which includes the following information:

(i) Vessel name, identification number (International Maritime Organization, Lloyds of London or U.S. Coast Guard registry number), owner, agent and vessel type; and

(ii) A statement that the vessel will not discharge ballast water.

(b) Vessels that would normally discharge ballast water, but will not discharge on any given trip, may continue to file the ballast water reporting form, with "not discharging" written in the ballast water history section.

(3) The department, or designated representatives, may at reasonable times and in a reasonable manner, during a vessel's scheduled stay in port, take samples of ballast water and sediment, may examine ballast water management records, and may make other appropriate inquiries to assess the compliance of vessels with ballast water reporting and control requirements.

(4) Interim report for implementing 2007 ballast water exchange program.

(a) All vessels subject to chapter 77.120 RCW that enter Washington waters after July 1, 2007, will be prohibited from discharging ballast water under the safety exemptions to the ballast water exchange program. In order to implement the 2007 program, vessel information is required to be on file with the department prior to July 1, 2006.

(b) All vessels subject to chapter 77.120 RCW that enter Washington waters after July 1, 2006, are required, prior to July 1, 2006, to file a Washington State Interim Ballast Water Management Report Form on the report form provided in (d) of this subsection.

(c) A vessel subject to chapter 77.120 RCW that enters Washington waters after July 1, 2006, and for which the ves-

sel owner has not submitted a Washington State Interim Ballast Water Management Report Form is subject to a five hundred dollar reporting penalty.

(d) Washington State Interim Ballast Water Management Report Form and Instructions:

**Completion Instructions For:  
Washington State Interim Ballast Water Management  
Report Form**

**(Please type in English)**

**SECTION 1. OWNER/OPERATOR**

**Vessel(s) Owner Information:** Write in the name of the registered owner(s) of the vessel. If under charter, enter Operator name. Also provide mailing address.

**Responsible Party Information:** Print the person's name, company and contact information (current phone number and e-mail) of the person responsible for administering the management plan described below.

**SECTION 2. FLEET INFORMATION**

**Vessel Name:** Print the name of each vessel covered by this management report. A separate report is required for vessels that will use different methods of ballast management. For example: Five vessels may be listed in one report that are going to use the same type of ballast treatment system. A separate report would be required for another five vessels that intend to use ballast exchange and retaining ballast onboard as a management option.

**Existing Vessel or New Build:** Fill in "Existing Vessel" if this is an existing vessel currently in operation. Fill in "New Build 1," "New Build 2" etc., for vessels that are in a design or new construction phase, but not yet in operation.

**IMO Number:** Fill in identification number of the vessel used by the International Maritime Organization.

**Type:** List specific vessel type. Use the following abbreviations: Bulk (bc), ro-ro (rr), container (cs), tanker (ts), passenger (pa), oil/bulk ore (ob), general cargo (gc), reefer (rf). Write out any additional vessel types.

**GT:** What is the Gross Tonnage of the vessel?

**Ballast Capacity:** What is the maximum volume of ballast water used when no cargo is on board? ***Please include volume units in m<sup>3</sup>.***

**SECTION 3. BALLAST MANAGEMENT COMPLIANCE PLAN (2007)**

**a. Retaining ballast:** Check yes or no to indicate if the vessel's ballast management plan considers retaining some or all ballast on board when in Washington state waters.

**b. Local waters:** Check yes or no to indicate if the vessel's ballast management plan includes the discharge of water that originated solely within local waters.

**c. Ballast exchange:** Check yes or no to indicate whether the vessel's ballast management plan will include ballast exchange.

**d. If unable to exchange:** Safety exemptions will no longer be an acceptable management option in Washington state waters after July 1, 2007. Vessel operators that are using ballast exchange should describe how they will manage ballast discharges into Washington state waters if unable to conduct a safe exchange at sea.

**e. Ballast Treatment System:** Vessel operators that intend to use a ballast treatment system as a ballast management option should complete subsections **f.** through **l.**

**Note:** Dates supplied within subsections **h.** through **k.** can be estimated. **Additional Comments** under subsection **l.** are optional.

**FOOTER. SIGNATURE AND DATE**

**Signature of Responsible Party:** Forms submitted by fax or mail require the signature of the responsible party. Forms submitted by e-mail do not require a signature; however, the responsible party sending the form by e-mail is certifying that all information contained is complete and accurate. If you choose to send the PDF version of the form by e-mail, a message will inform you that "you are sending a data file only, not the form;" This is the correct submittal process.

**Date of Submission:** Provide date on which form was submitted.

<b>1. Owner/Operator</b>		Vessel(s) Owner Information:		Responsible Party Information:		
		Name _____		Name _____		
		Address _____		Address _____		
		City, State/Province Zip _____		City, State/Province Zip _____		
		Country _____		Country _____		
		Telephone Number _____		Telephone Number _____		
		E-mail _____		E-mail _____		
<b>2. Fleet Information</b>						
	Vessel Name	Existing Vessel, or New Build	IMO#	Type	GT	Ballast Capacity
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

<b>Notes:</b>		
1. If you need to list additional vessels, make sure cursor is in last row of table, select "Table" on the menu bar, choose "Insert," then select "Rows Below."		
2. Use one reporting form for each ballast water management plan.		
3. See attached instruction form.		
<b>3. Ballast Management Compliance Plan (2007)</b>		
a. Does this management plan include <b>retaining ballast</b> on board?	<b>Yes</b>	<b>No</b>
b. Does this management plan include the discharge of water that originated solely within "local waters"?	<b>Yes</b>	<b>No</b>
c. Does this management plan include <b>ballast exchange</b> ?	<b>Yes</b>	<b>No</b>
d. If considering ballast exchange: How will you handle ballast <b>if unable to exchange</b> at sea?		
e. Does this management plan include a <b>ballast treatment system</b> ? If yes, complete f. through l.	<b>Yes</b>	<b>No</b>
f. Vendor Company		
g. Vendor Contact		
h. Final System Selection Date	j. System Purchase Date	
i. System Installation Date	k. System Operational Date	
l. Additional Comments		
<b>Responsible Party Signature:</b>		<b>Date:</b>
<p style="text-align: center;"><i>By submitting this form by e-mail, the responsible party is certifying that all information provided is complete and accurate.</i></p>		

[Statutory Authority: RCW 77.12.047, 06-07-006 (Order 06-35), § 220-77-090, filed 3/2/06, effective 4/2/06; 01-17-097 (Order 01-173), § 220-77-090, filed 8/20/01, effective 9/20/01; 00-17-146 (Order 00-163), § 220-77-090, filed 8/22/00, effective 9/22/00.]

**WAC 220-77-095 Interim ballast water discharge standard approval process.** (1) The Washington state interim ballast water discharge standard is inactivation or removal of ninety-five percent of zooplankton organisms and ninety-nine percent of phytoplankton and bacteria organism.

(2) Vessels subject to chapter 77.120 RCW that have not adequately exchanged their ballast water must treat their ballast prior to discharge into Washington waters, after July 1, 2004. An interim approval process shall be used to evaluate ballast water treatment technologies and provide approval for certain technologies that are determined to meet the Washington state interim ballast water discharge standard. Only ballast water treatment technologies that are approved through this process may be used to discharge treated ballast water into Washington waters following the guidelines identified within the approval process. Ballast water treatment technology vendors or vessel owners may submit ballast treatment technology for evaluation through the following process:

(a) Applications for approval will be accepted by the director or the director's designee at any time. The applicant is to be notified of department receipt of the application package within ten working days. If the application package is incomplete, the application will be returned to the applicant with an explanation of deficiencies or if the deficiencies are minimal, held for thirty days to allow the applicant to correct the deficiencies. Formal reviews of supporting data and proposed study plans will be completed within forty-five days of receipt of the complete application package.

(b) Formal reviews will be conducted by a science advisory panel and a maritime advisory panel. Panel members will be appointed by the director or the director's designee. The science advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the Washington state interim ballast water discharge standard, the adequacy of the proposed study plan, and determine if such technology should be evaluated

as a promising technology that could be considered as a "best available technology." The maritime advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the practical needs of the maritime industry, including safety, practicality and cost effectiveness, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology."

(c) The director, or the director's designee, shall take into consideration the findings of the scientific advisory panel, and the maritime advisory panel and make one of the following determinations:

(i) That the ballast water treatment technology has been approved by the United States Coast Guard or a state agency and is an approved system for use in Washington state;

(ii) To grant general approval to a technology meeting the Washington state interim ballast water discharge standard for a period of five years with stipulations for scientific evaluation. Approval may be revoked if new information shows the technology to be grossly inadequate and incapable of being retrofitted to correct the inadequacy;

(iii) To grant conditional approval for use on a specific number of vessels for further full-scale testing; or

(iv) Deny approval.

(d) Criteria for review. Applications for interim approval of a ballast water treatment system shall be evaluated on the completeness of the following:

(i) A letter of commitment from the technology vendor, the vessel owner installing the technology, and the principal investigators conducting the tests, stating their intents to carry out all components of the study plan for which they are responsible. Principal investigators must be qualified independent researchers. Applications for a treatment system to be used within a specified port must include a letter from the port authority in which the system is to be operated, granting authority for testing or use within the port.

(ii) Documentation stating that the residual concentrations of any primary treatment chemicals or chemicals that occur as by-products of the treatment meet all applicable regulatory requirements.

(iii) All available documentation describing the technical, operational and installation characteristics of the system.

(iv) Documentation from preliminary experiments that demonstrate the potential of the system to meet the Washington state interim ballast water discharge standard. Indicator species may be used to evaluate the technologies' effectiveness. Technologies may be approved that do not currently meet this criteria, but show promise for improvement or are considered to be a "best available technology." The technology should include easily verifiable indicators to ensure the system is operational and effectively treating ballast at the time of treatment.

(v) The discharge from a technology must be environmentally sound and in compliance with existing water quality discharge laws.

(e) Each proposed technology must include a detailed study plan that:

(i) Is organized according to a department-approved standardized format.

(ii) Evaluates the effectiveness of the treatment system over a range of operational conditions during operations, including the cumulative hours of operation, volumes treated, times since the tanks were last cleaned of sediment, abundance of organisms, organic and inorganic load, temperature and salinity of water.

(iii) Identifies limiting conditions such as water quality attributes that may affect the performance of the equipment, length of time for adequate treatment, or other factors that may render the technology as inadequate to meet the interim ballast water discharge standard.

(iv) Assures that samples are representative of the flow or volume from which they are taken.

(v) Contains a detailed quality assurance and/or quality control plan.

(3) Conditions of approval.

(a) Approval of a technology shall be withdrawn after one year if the system is not installed or the testing begun as proposed.

(b) Systems approved under the interim approval process shall be considered to meet all ballast water treatment requirements promulgated by the department for a period of five years. In the event subsequent work reveals adverse effects on ecology or human health, approval of the system will be withdrawn unless the treatment system can be repaired to address the system's inadequacies.

(c) Systems approved under the interim process will be subject to all subsequent standards and regulations upon the expiration of the interim approval period.

(d) Interim approval is contingent on adherence to the detailed study plan described in the application and agreed upon by the applicant and the department.

(e) The principal scientist and engineers responsible for conducting and analyzing the tests shall submit a report documenting the performance of the equipment and results of the testing to the department within twelve months after installation. Further testing may or may not be required based upon the test results.

(f) Vessels or technologies receiving interim approval shall be subject to inspections by the department or the department's designated representative to verify adherence with the terms of this interim approval agreement and the operation of the treatment systems.

[Statutory Authority: RCW 77.12.047, 02-17-015 (Order 02-185), § 220-77-095, filed 8/9/02, effective 9/9/02; 01-17-097 (Order 01-173), § 220-77-095, filed 8/20/01, effective 9/20/01.]

## Chapter 220-80 WAC PUBLIC RECORDS

### WAC

220-80-010	Purpose.
220-80-020	Definitions.
220-80-030	Description of organization of the department of fisheries.
220-80-040	Operations and procedures.
220-80-050	Public records available.
220-80-060	Public records officer.
220-80-070	Office hours.
220-80-080	Requests for public records.
220-80-090	Copying.
220-80-100	Exemptions.
220-80-110	Review of denials of public records requests.
220-80-120	Protection of public records.
220-80-130	Records index.
220-80-140	Address for request.
220-80-150	Use of record request form.

**WAC 220-80-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the department of fisheries with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

[Order 1104, § 220-80-010, filed 11/26/73.]

**WAC 220-80-020 Definitions.** (1) Public records. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Department of fisheries. The department of fisheries is the agency delegated by the legislature to preserve, protect, perpetuate and manage the food fish and shellfish in the waters of the state and the offshore waters thereof. The department of fisheries shall hereinafter be referred to as the "department." Where appropriate, the term "department" also refers to the staff and employees of the department of fisheries.

[Order 1104, § 220-80-020, filed 11/26/73.]

**WAC 220-80-030 Description of organization of the department of fisheries.** (1) Department. The department is a line staff agency. The administrative office of the depart-

(2007 Ed.)

ment and its staff are located at Room 115, General Administration Building, Olympia, Washington 98504.

[Order 1104, § 220-80-030, filed 11/26/73.]

**WAC 220-80-040 Operations and procedures.** The department is operated with a director as its head assisted by a deputy director. The department is divided into four operational programs. Each program is supervised by an assistant director.

The department handles numerous functions affecting the public, as described in RCW 75.08.012 and 75.08.080.

To accomplish these goals the director formulates regulations as provided for by the Administrative Procedure Act (chapter 34.04 RCW).

[Order 77-14, § 220-80-040, filed 4/15/77; Order 1104, § 220-80-040, filed 11/26/73.]

**WAC 220-80-050 Public records available.** All public records of the department, as defined in WAC 220-80-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 220-80-100.

[Order 1104, § 220-80-050, filed 11/26/73.]

**WAC 220-80-060 Public records officer.** The department's public records shall be the responsibility of the public records officer designated by the department. The person so designated shall be located in the administrative office of the department. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 1104, § 220-80-060, filed 11/26/73.]

**WAC 220-80-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the department. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 12:30 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Order 1104, § 220-80-070, filed 11/26/73.]

**WAC 220-80-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the department's administrative office staff if the public records officer is not available, at the administrative office of the department during customary office hours as described in WAC 220-80-070. The request shall include the following information:

(2007 Ed.)

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature and purpose of the request;
- (d) A reference to the requested record as it is described within the current index maintained by the records officer; or an appropriate description of the record requested, if the requested matter is not identifiable by reference to the department's current index;

(2) It shall be the obligation of the public records officer or staff member to whom the request is referred to assist the member of the public in appropriately identifying the public record requested.

[Order 1104, § 220-80-080, filed 11/26/73.]

**WAC 220-80-090 Copying.** No fee shall be charged for the inspection of public records. The department shall charge a fee per page of copy for providing copies of public records as follows:

Loose leaf material up to 11" x 18" (Xerox copy)	\$0.10 per sheet
Bound material (Xerox copy)	0.15 per sheet
Blueprints and material over 11" x 18" (Bruning)	1.00 per sheet
Microfilm or microfiche (paper copies)	0.10 per sheet

These charges are the approximate amounts necessary to reimburse the department for its actual costs.

[Order 1104, § 220-80-090, filed 11/26/73.]

**WAC 220-80-100 Exemptions.** (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 220-80-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) The following records are exempt:

(a) Personal information in files maintained for the department's members of the extent that disclosure would violate their rights to privacy.

(b) Specific intelligence information and specific investigative files compiled by the department, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(c) Information revealing the identity of persons who file complaints with the department, except as the complainant may authorize.

(d) Test questions, scoring keys, and other examination data.

(e) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired; but in no event shall disclosure be denied for more than three years after the appraisal.

(f) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed

or policies not be exempt when publicly cited by an agency in connection with any agency action.

(g) Records which are relevant to a controversy to which the department is, or could reasonably expect to be, a party, but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(h) Lists or records of purchasers of licenses issued by the department: Provided, That such may be made available for bona fide noncommercial purposes if the person requesting such lists or records provides a sworn affidavit containing an outline of the usage of such list, the identity of the sponsor, and an affirmation that such lists or records will be adequately safeguarded so as to prevent their use for any commercial purpose.

(i) All catch, tax or fiscal records where release of such information will conflict with any individual or company's right to privacy.

(j) Valuable formulae, designs, drawings and research data obtained by department within five years of the request for disclosure when disclosure would produce private gain and public loss.

(k) Any other information which is exempt from public inspection under any provision of Initiative 276 or any other applicable law.

(3) In addition, pursuant to section 26, chapter 1, Laws of 1973, the department reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 1104, § 220-80-100, filed 11/26/73.]

**WAC 220-80-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director of the department. The director or his designee shall consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 1104, § 220-80-110, filed 11/26/73.]

[Title 220 WAC—p. 166]

**WAC 220-80-120 Protection of public records.** In order to provide full and orderly public access to official public records, protect said records from damage or disorganization, and to prevent excessive interference with other essential functions of the department, the following rules are established:

(1) All requests for access shall be in writing on the form provided for in WAC 220-80-150.

(2) All requests must be approved by the records officer or designee.

(3) Times for inspection of public records shall be the times shown in WAC 220-80-070.

(4) If inspection of the records requested would interfere with other essential functions of the department, the records officer may delay such inspection up to two working days from the time of request.

(5) The records officer or designated representative may, if deemed advisable, remain in attendance at any time records are being inspected.

(6) No public record shall be allowed to be removed from a department office by anyone other than an officially authorized person.

[Order 1104, § 220-80-120, filed 11/26/73.]

**WAC 220-80-130 Records index.** (1) Index. The department has available for review a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 1104, § 220-80-130, filed 11/26/73.]

**WAC 220-80-140 Address for request.** All communications with the department including, but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules, requests for copies of the department's decisions and other matters, shall be addressed as follows:

(2007 Ed.)

Department of Fisheries, c/o Public Records Officer, Room 115, General Administration Building, Olympia, Washington 98504.

[Order 1104, § 220-80-140, filed 11/26/73.]

**WAC 220-80-150 Use of record request form.** All persons requesting inspection and/or copying or copies of department records must use the form supplied by the department entitled "request for public record."

[Order 1104, § 220-80-150, filed 11/26/73.]

## Chapter 220-85 WAC

### COMMERCIAL LICENSE MORATORIUM ADVISORY REVIEW BOARD REGULATIONS

#### WAC

220-85-015	License moratorium review boards.
220-85-030	Moratorium advisory review boards—Secretarial and investigative assistance, place of hearings.
220-85-040	Moratorium advisory review boards—Director's action on license applications—Reasons stated in writing.
220-85-050	Moratorium advisory review boards—Who may appeal.
220-85-060	Moratorium advisory review boards—Proceedings to be informal—Rules of evidence inapplicable—Record to be kept.
220-85-070	Moratorium advisory review boards—Appeals—Requirements—Form for appeal.
220-85-080	Moratorium advisory review boards—Appeals—Time for scheduling hearings—Conduct of hearings.
220-85-090	Moratorium advisory review boards—Decisions by advisory review board—Form and content.
220-85-100	Moratorium advisory review boards—Decision on appeal by director.
220-85-110	Moratorium advisory review boards—Appeals—Information procedures optional.
220-85-115	Rules of practice and procedure.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-85-010	Salmon moratorium advisory review board—Appointment, composition, tenure, and compensation. [Order 1193, § 220-85-010, filed 3/4/75.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-020	Salmon moratorium advisory review board—Designation of board, list furnished by industry. [Order 1193, § 220-85-020, filed 3/4/75.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-210	Salmon charter boat moratorium advisory review board—Appointment, composition, tenure, and compensation. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-210, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-220	Salmon charter boat moratorium advisory review board—Designation of board, list furnished by industry. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-220, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-230	Salmon charter boat moratorium advisory review board—Secretarial and investigative assistance, place of hearings. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-230, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-240	Salmon charter boat moratorium advisory review board—Director's action on salmon license applications—Reasons stated in writing. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-240, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-250	Salmon charter boat moratorium advisory review board—Who may appeal. [Statutory Authority: RCW

(2007 Ed.)

75.08.080. 78-09-072 (Order DE 78-67), § 220-85-250, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.

220-85-260	Salmon charter boat moratorium advisory review board—Proceedings to be informal—Rules of evidence inapplicable—Record to be kept. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-260, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-270	Salmon charter boat moratorium advisory review board—Appeals—Requirements—Form for appeal. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-270, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-280	Salmon charter boat moratorium advisory review board—Appeals—Time for scheduling hearings—Conduct of hearings. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-280, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-290	Salmon charter boat moratorium advisory review board—Decisions by advisory review board—Form and content. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-290, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-300	Salmon charter boat moratorium advisory review board—Decision on appeal by director. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-300, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.
220-85-310	Salmon charter boat moratorium advisory review board—Appeals—Information procedures optional. [Statutory Authority: RCW 75.08.080. 78-09-072 (Order DE 78-67), § 220-85-310, filed 8/25/78.] Repealed by 81-01-042 (Order 80-194), filed 12/11/80. Statutory Authority: RCW 75.08.080.

**WAC 220-85-015 License moratorium review boards.** The director shall appoint advisory boards of review as necessary to hear appeals pursuant to the commercial salmon license moratorium, the salmon charter boat license moratorium, commercial herring license moratorium and the Puget Sound commercial crab license moratorium (chapter 75.30 RCW).

[Statutory Authority: RCW 75.08.080. 84-05-046 (Order 84-11), § 220-85-015, filed 2/21/84; 81-01-042 (Order 80-194), § 220-85-015, filed 12/11/80.]

**WAC 220-85-030 Moratorium advisory review boards—Secretarial and investigative assistance, place of hearings.** The department shall provide advisory review boards with such secretarial or investigative help as may be necessary to conduct the hearings and to report its decision to the director. The department shall furnish and/or arrange accommodations for the boards to conduct their hearings.

[Statutory Authority: RCW 75.08.080. 81-01-042 (Order 80-194), § 220-85-030, filed 12/11/80; Order 1193, § 220-85-030, filed 3/4/75.]

**WAC 220-85-040 Moratorium advisory review boards—Director's action on license applications—Reasons stated in writing.** Whenever the director shall reject or deny an application for a commercial salmon fishing license, vessel delivery permit, salmon charter boat license or Puget Sound crab license endorsement, his decision shall be in writing and give the reason(s) therefor.

[Statutory Authority: RCW 75.08.080. 81-01-042 (Order 80-194), § 220-85-040, filed 12/11/80; Order 1193, § 220-85-040, filed 3/4/75.]



**WAC 220-85-050 Moratorium advisory review boards—Who may appeal.** Any person aggrieved by a decision of the department pursuant to chapter 75.30 RCW, may voluntarily request that a board of review be impaneled to hear his case.

[Statutory Authority: RCW 75.08.080. 84-05-046 (Order 84-11), § 220-85-050, filed 2/21/84; 81-01-042 (Order 80-194), § 220-85-050, filed 12/11/80; Order 1193, § 220-85-050, filed 3/4/75.]

**WAC 220-85-060 Moratorium advisory review boards—Proceedings to be informal—Rules of evidence inapplicable—Record to be kept.** The hearing before the advisory review board shall be informal and the rules of evidence shall not be applicable to the proceedings. A record of the proceedings shall be kept as provided by chapter 34.04 RCW.

[Statutory Authority: RCW 75.08.080. 81-01-042 (Order 80-194), § 220-85-060, filed 12/11/80; Order 1193, § 220-85-060, filed 3/4/75.]

**WAC 220-85-070 Moratorium advisory review boards—Appeals—Requirements—Form for appeal.** (1) Appeals by an aggrieved person pursuant to chapter 75.30 RCW, from determinations of the department shall be in writing and should include:

- (a) A concise statement of why the appeal is made,
  - (b) The basis upon which the aggrieved person believes a different decision should be made,
  - (c) A statement of any other relevant facts.
- (2) Appeals must be postmarked within thirty days of the date of denial, or received in person at the department of fisheries not more than thirty days from the date of denial. The director may waive the thirty day requirement for good cause.

(3) The appeal may be in any written form; however, the department will furnish or make available upon request a form that can be used for making appeals pursuant to the provisions of these regulations.

[Statutory Authority: RCW 75.08.080. 84-05-046 (Order 84-11), § 220-85-070, filed 2/21/84; 81-01-042 (Order 80-194), § 220-85-070, filed 12/11/80; Order 1193, § 220-85-070, filed 3/4/75.]

**WAC 220-85-080 Moratorium advisory review boards—Appeals—Time for scheduling hearings—Conduct of hearings.** Upon receipt of a written request for a hearing before an advisory review board, the department shall set the time, place, and date of hearing to take place within thirty days from the time of receipt of said written request or as soon thereafter as a board may be convened.

(1) The department shall inform all parties as to the date, time and place of hearing at least seven days prior to the hearing, except that the board can by agreement or for good cause shown shorten the notice requirement.

(2) The hearing before the advisory review board shall be informal and the board shall:

- (a) Have authority to continue or adjourn the proceedings as circumstances may require,
- (b) Permit oral or written argument.

[Statutory Authority: RCW 75.08.080. 81-01-042 (Order 80-194), § 220-85-080, filed 12/11/80; Order 1193, § 220-85-080, filed 3/4/75.]

[Title 220 WAC—p. 168]

**WAC 220-85-090 Moratorium advisory review boards—Decisions by advisory review board—Form and content.** (1) The advisory review board shall inform in writing both the director and the initiating party of whether or not the board agrees or disagrees with the department's decision, and shall state the reasons for such agreement or disagreement.

(2) The decision of the advisory review board shall, except where there may be extenuating circumstances, be made within five days from the conclusion of the hearing.

[Statutory Authority: RCW 75.08.080. 81-01-042 (Order 80-194), § 220-85-090, filed 12/11/80; Order 1193, § 220-85-090, filed 3/4/75.]

**WAC 220-85-100 Moratorium advisory review boards—Decision on appeal by director.** (1) Upon receipt of the advisory review board's findings, the director, at his discretion, may either uphold or reverse the department's action.

(2) The decision of the director shall, except when there may be extenuating circumstances, be in writing and mailed to the appealing party within five days from the date he receives the findings and decision of the board.

[Statutory Authority: RCW 75.08.080. 81-01-042 (Order 80-194), § 220-85-100, filed 12/11/80; Order 1193, § 220-85-100, filed 3/4/75.]

**WAC 220-85-110 Moratorium advisory review boards—Appeals—Information procedures optional.** Pursuant to the provisions of chapter 75.30 RCW, an aggrieved person may proceed under chapter 34.04 RCW (Administrative Procedure Act) and the procedural rules for appeal and hearing thereunder applicable to all state agencies as provided for in WAC 1-08-010 through 1-08-590 will govern proceedings initiated thereunder.

[Statutory Authority: RCW 75.08.080. 84-05-046 (Order 84-11), § 220-85-110, filed 2/21/84; 81-01-042 (Order 80-194), § 220-85-110, filed 12/11/80; Order 1193, § 220-85-110, filed 3/4/75.]

**WAC 220-85-115 Rules of practice and procedure.** The department of fisheries hereby adopts chapter 220-85 WAC as its rules of practice and procedure governing the appeals of commercial salmon and commercial Puget Sound crab license holders and salmon charter boat license holders pursuant to Title 75 RCW. Chapter 1-08 WAC, Uniform procedural rules, shall not apply to license appeal procedures before department of fisheries advisory review boards.

[Statutory Authority: RCW 75.08.080. 81-01-042 (Order 80-194), § 220-85-115, filed 12/11/80.]

## Chapter 220-87 WAC PUGET SOUND WHITING

### WAC

220-87-010	Puget Sound whiting endorsement validation procedure.
220-87-020	Puget Sound whiting endorsement—Transfer.

**WAC 220-87-010 Puget Sound whiting endorsement validation procedure.** (1) A Puget Sound whiting endorsement for the current year will be issued to a natural person who meets the following qualifications:

- (a) Is the possessor of a valid trawl license.

(2007 Ed.)

(b) Submits proof of landing as required by RCW 75.30.170.

(c) Submits proof of ownership or lease, as of January 1, 1986, of an otter trawl vessel and otter trawl net, which may be either a pelagic trawl net or a bottom trawl net.

(2) The possessor of the Puget Sound whiting endorsement must be aboard the vessel at all times while the vessel is fishing for whiting or has whiting aboard, except during unloading.

(3) Only a natural person may obtain a yearly Puget Sound whiting endorsement. A corporation or partnership that meets the qualifications in subsection (1) of this section may designate one natural person to receive the endorsement. The designation is irrevocable.

(4) The Puget Sound whiting endorsement is valid for one person and one vessel. An individual may not possess more than one endorsement.

[Statutory Authority: RCW 75.08.080. 87-04-003 (Order 87-03), § 220-87-010, filed 1/22/87.]

**WAC 220-87-020 Puget Sound whiting endorsement—Transfer.** (1) A person may transfer a Puget Sound whiting endorsement to that person's spouse or natural or step-child only. The person making the transfer is required to show proof of the relationship. Acceptable proof is a marriage certificate, birth certificate, or decree of adoption. A Puget Sound whiting endorsement will only be transferred to a person who has a valid trawl license, and transfer must be documented at the department's licensing division.

(2) A person may transfer a Puget Sound whiting endorsement from one vessel to another vessel by making application at the department's licensing division for a transfer of the person's trawl license from the first vessel to the second vessel, and informing the licensing division, in writing, that the person is additionally transferring the Puget Sound whiting endorsement. In the case of an individual having more than one trawl license, the transfer of the Puget Sound whiting endorsement from one vessel to a second vessel will be made in substantially the same form as if a trawl license was being transferred.

[Statutory Authority: RCW 75.08.080. 87-04-003 (Order 87-03), § 220-87-020, filed 1/22/87.]

## Chapter 220-88 WAC

### EMERGING COMMERCIAL FISHERIES

#### WAC

220-88-010	Emerging commercial fisheries—Definitions.
220-88-020	Experimental fishery permits.
220-88-030	Experimental fishery permit advisory board.
220-88-040	Trial commercial fishery permits.

**WAC 220-88-010 Emerging commercial fisheries—Definitions.** The following definitions apply to this chapter:

(1) "Experimental fishery permit" means a permit issued by the director for either:

(a) An "emerging commercial fishery" defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(b) An "expanding commercial fishery" defined as a fishery for a previously classified species in a new area, by a

(2007 Ed.)

new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(2) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species, or harvest of a previously classified species in a new area or by a new means. A trial commercial fishery permit will only be issued when the department has determined that there is no need to limit participation. The director may redesignate a trial commercial fishery as an emerging or expanding commercial fishery if the director finds that there is a need to limit participation in that fishery.

[Statutory Authority: RCW 75.08.080. 92-19-012 (Order 92-89), § 220-88-010, filed 9/3/92, effective 10/4/92.]

#### **WAC 220-88-020 Experimental fishery permits.** (1)

The director will issue experimental fishery permits after the date rules designating a fishery as either an emerging commercial fishery or an expanding commercial fishery and establishing the number and qualifications of permit holders take effect.

(2) Only persons meeting the following requirements may hold an experimental fishery permit:

(a) The person must hold a commercial fishing license under chapter 75.28 RCW for the gear to be used with the experimental fishery permit or own a vessel that holds such a license. An experimental fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher or the fisher's vessel is currently licensed.

(b) No person ineligible to hold a commercial fishing license will be issued an experimental fishery permit. The person must meet the qualifications established for the experimental fishery permit that the person seeks.

(c) In the event an emerging or expanding commercial fishery arises from a trial commercial fishery, the director shall consider whether a fisher making application for an experimental fishery permit had previously held a trial commercial fishery permit for that fishery.

(3) An experimental fishery permit will not be issued for any species for which a license, endorsement, or validation limitation has been established pursuant to chapter 75.30 RCW, or for any fishery under the jurisdiction of the secretary of commerce.

(4) The director may at any time close an emerging or expanding commercial fishery for conservation reasons.

[Statutory Authority: RCW 75.08.080. 92-19-012 (Order 92-89), § 220-88-020, filed 9/3/92, effective 10/4/92.]

**WAC 220-88-030 Experimental fishery permit advisory board.** The five-person advisory board that will review and make recommendations regarding number and qualifications of persons who will receive experimental fishery permits shall have knowledge of the commercial fishing industry.

[Statutory Authority: RCW 75.08.080. 93-15-051, § 220-88-030, filed 7/14/93, effective 8/14/93; 92-19-012 (Order 92-89), § 220-88-030, filed 9/3/92, effective 10/4/92.]

#### **WAC 220-88-040 Trial commercial fishery permits.**

(1) Applications for trial commercial fishery permits must specify the species, fishing area, and fishing method to be used.

(2) The department will respond to any request for a trial commercial fishery permit within sixty days of receiving the application.

(3) Only persons who hold a commercial fishing license under chapter 75.28 RCW for the gear to be used with the trial commercial fishery permit or own a vessel that holds such a license are eligible to hold a trial commercial fishery permit. A trial commercial fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher or the fisher's vessel is currently licensed.

(4) The director will issue a trial commercial fishery permit for a newly classified species only after the director has by rule classified the species as a food fish or shellfish in chapter 220-12 WAC. If emergency classification is required, the director will issue the trial commercial fishery permit only for the period of emergency classification, and will not renew the permit unless the department has received a request for permanent classification at least two weeks before the end of the permit period.

(5) The director may redesignate a trial commercial fishery as an emerging or expanding commercial fishery if the director finds that there is a need to limit participation. A trial commercial fishery permit for that fishery does not guarantee future eligibility for an experimental fishery permit.

(6) The director may at any time close a trial commercial fishery for conservation reasons.

[Statutory Authority: RCW 75.08.080, 92-19-012 (Order 92-89), § 220-88-040, filed 9/3/92, effective 10/4/92.]

## Chapter 220-88B WAC COASTAL SPOT SHRIMP

### WAC

220-88B-010	Emerging commercial fishery—Coastal—Purpose.
220-88B-020	Designation of the coastal spot shrimp pot fishery as an emerging commercial fishery.
220-88B-030	Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction—Incidental catch.
220-88B-040	Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-88B-050	Coastal spot shrimp trawl experimental fishery—Season and gear—Trawl gear restriction—pot gear restriction—Species restriction. [Statutory Authority: RCW 77.12.047, 02-02-050 (Order 01-287), § 220-88B-050, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-050, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 99-01-154 (Order 98-257), § 220-88B-050, filed 12/22/98, effective 1/22/99.] Repealed by 03-17-007 (Order 03-187), filed 8/7/03, effective 9/7/03. Statutory Authority: RCW 77.12.047.
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**WAC 220-88B-010 Emerging commercial fishery—Coastal—Purpose.** The purpose of this chapter is to establish the coastal spot shrimp pot fishery as an emerging commercial fishery, and to set time, place, and manner for participation in this fishery.

[Statutory Authority: RCW 77.12.047, 03-17-007 (Order 03-187), § 220-88B-010, filed 8/7/03, effective 9/7/03. Statutory Authority: RCW 75.08.080, 99-01-154 (Order 98-257), § 220-88B-010, filed 12/22/98, effective 1/22/99.]

[Title 220 WAC—p. 170]

**WAC 220-88B-020 Designation of the coastal spot shrimp pot fishery as an emerging commercial fishery.** (1) The director designates the coastal spot shrimp pot fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from Washington territorial waters west of the Bonilla-Tatoosh line or from waters of the Exclusive Economic Zone unless the fisher has a valid emerging commercial fishery license and a valid coastal spot shrimp pot experimental fishery permit.

(2) The following licenses may not be used to fish for, possess, or deliver spot shrimp taken in Washington territorial waters west of the Bonilla-Tatoosh line or waters of the Exclusive Economic Zone: Shellfish pot fishery license, nonlimited entry delivery license, salmon troll delivery license, salmon delivery license, crab pot fishery license, Dungeness crab—coastal fishery license.

[Statutory Authority: RCW 77.12.047, 03-17-007 (Order 03-187), § 220-88B-020, filed 8/7/03, effective 9/7/03. Statutory Authority: RCW 75.08.080, 99-01-154 (Order 98-257), § 220-88B-020, filed 12/22/98, effective 1/22/99.]

**WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction—Incidental catch.** (1) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(2) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(3) A coastal spot shrimp experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year; and

(b) Can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's designated vessel or vessels during the previous two calendar years. Landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two.

(4) Coastal spot shrimp experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(5) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed fifteen. Selection of persons to receive replacement permits shall be by gear or gear replacement

(2007 Ed.)

type, and replacement permits will be offered in descending order first to persons who made the largest total of Washington coastal spot shrimp landings in each gear type during the original qualifying period, and then in descending order to persons who made the largest total of Washington coastal spot shrimp landings in each gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

(6) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

(7) The total allowable catch of spot shrimp taken from Washington territorial waters west of the Bonilla-Tatoosh line and from adjacent waters of the Pacific Ocean during a calendar year is 250,000 pounds round weight provided that not more than 100,000 pounds may be taken south of 47°04.00' N. latitude.

(8) Beginning January 1, 2003, through December 31, 2005, the allowable catch shall be allocated as follows: 175,000 pounds available to all permit holders and 75,000 pounds available to fishers who were converted from trawl to pot permits. Beginning January 1, 2006, the allowable catch is available to all permit holders.

(9) Vessel restriction: A coastal spot shrimp experimental fishery permit will not be issued to a person who designates a vessel greater than ten feet longer than the vessel designated as of March 31, 2003, provided that if the vessel designated as of March 31, 2003, is ten or more feet greater than the vessel used by the person to initially qualify for a coastal spot shrimp experimental fishery permit, the person may not designate a vessel greater in length than the vessel designated as of March 31, 2003.

(10) Incidental catch:

(a) It is unlawful to retain more than 50 pounds round weight of other shrimp species. It is lawful to retain octopus and squid.

(b) It is unlawful to retain salmon.

(c) It is unlawful to retain any bottomfish species.

[Statutory Authority: RCW 77.12.047. 04-05-027 (Order 04-21), § 220-88B-030, filed 2/10/04, effective 3/12/04; 03-17-007 (Order 03-187), § 220-88B-030, filed 8/7/03, effective 9/7/03; 02-02-050 (Order 01-287), § 220-88B-030, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-030, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-88B-030, filed 12/22/98, effective 1/22/99.]

**WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction.** It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using shellfish pot gear except as provided in this section:

(1) Season - Open to shellfish pot gear March 15 through September 15.

(2) Gear restrictions:

(a) Maximum of 500 shellfish pots per permit.

(b) Pot size is limited to a maximum 153 inch bottom perimeter and a maximum 24 inch height.

(c) Shrimp pot gear must be constructed with net webbing or rigid mesh, and at least 50 percent of the net webbing

(2007 Ed.)

or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(d) Pot gear is required to have an escape mechanism as provided for in WAC 220-52-035.

(e) Groundline end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee.

(3) Incidental catch: It is unlawful to retain any species of finfish or shellfish taken with spot shrimp pot gear, except that it is lawful to retain octopus, squid, and up to 50 pounds round weight of other shrimp species taken with shrimp pot gear. It is unlawful for persons fishing in the coastal spot shrimp experimental fishery to deliver spot shrimp while having on board bottomfish taken in the coastal bottomfish fishery under WAC 220-44-050.

[Statutory Authority: RCW 77.12.047. 06-21-041 (Order 06-264), § 220-88B-040, filed 10/11/06, effective 11/11/06; 04-05-027 (Order 04-21), § 220-88B-040, filed 2/10/04, effective 3/12/04; 02-02-050 (Order 01-287), § 220-88B-040, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-040, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-88B-040, filed 12/22/98, effective 1/22/99.]

## Chapter 220-88C WAC

### COASTAL PILCHARD FISHERY

#### WAC

220-88C-010	Emerging commercial fishery—Coastal pilchard fishery.
220-88C-020	Designation of the coastal pilchard fishery as an emerging commercial fishery.
220-88C-030	Eligibility to participate in the coastal pilchard fishery.
220-88C-040	Coastal pilchard fishery—Seasons and lawful catch.
220-88C-050	Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.

**WAC 220-88C-010 Emerging commercial fishery—Coastal pilchard fishery.** The purpose of this chapter is to establish the coastal pilchard fishery as an emerging commercial fishery.

[Statutory Authority: RCW 77.12.047. 01-07-016 (Order 01-36), § 220-88C-010, filed 3/13/01, effective 4/13/01.]

**WAC 220-88C-020 Designation of the coastal pilchard fishery as an emerging commercial fishery.** (1) The director designates the coastal pilchard fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful for any person to fish for, possess, or deliver pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone unless the fisher has a valid emerging commercial fishery license and a valid coastal pilchard experimental fishery permit, or except as otherwise provided.

(2) The following fishery licenses may not be used to take pilchard from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone: Baitfish lampara; baitfish purse seine; Columbia River smelt; food fish trawl—non-Puget Sound; herring dip bag net; herring gill net; herring lampara; herring purse seine; smelt dip bag net; smelt gill net, except as provided for in chapter 220-44 WAC.

(3) Pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone may not be delivered into a Washington port under a nonlimited entry delivery license, and may not be delivered under the licenses provided for in RCW 77.65.210.

[Statutory Authority: RCW 77.12.047. 03-13-002 (Order 03-111), § 220-88C-020, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-020, filed 3/13/01, effective 4/13/01.]

**WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery.** (1) Beginning in 2007, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit or held a replacement permit the previous year;

(b) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous two calendar years;

(c) Has purchased an emerging commercial fisheries license by April 1st; and

(d) Has an ownership interest of at least fifty percent in the vessel designated on the emerging commercial fishery license.

(2) Coastal pilchard experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violation of other commercial fishing rules, and shall be revoked if the emerging commercial fishery license is suspended. A coastal pilchard experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(3) The director may offer replacement permits, provided that the total number of permits issued by the director, including replacement permits, shall not exceed twenty-five.

(4) A coastal pilchard replacement permit will only be issued to a natural person who:

(a) Has an ownership interest of at least fifty percent in a vessel that was designated on a Washington coastal pilchard experimental fishery permit in 2004 or 2005;

(b) Landed a minimum of 40 mt cumulative weight of pilchard into Washington using the designated vessel referenced in (a) of this subsection in 2004 and 2005; and

(c) Has purchased an emerging commercial fisheries license by August 1, 2006.

(5) Coastal pilchard experimental fishery permits and replacement permits are only valid for the year issued and expire with the expiration of the emerging commercial fishery license.

(6) Replacement permit holders must designate a vessel in which the replacement permit holder has an ownership interest of at least fifty percent.

(7) Permit holders must designate a vessel to be used in the coastal pilchard emerging commercial fishery at least forty-eight hours before their first pilchard fishing trip of each season. Once designated, permit holders may not change vessel designation for the remainder of the season, except as provided in subsection (8) of this section in an emergency and then only if allowed by the director. The same

vessel may not be designated on more than one emerging commercial fishery license and accompanying coastal pilchard experimental fishery permit.

(8) Vessel designation may be changed during the pilchard season provided that the designated vessel has not yet participated in the pilchard fishery during the current calendar year.

[Statutory Authority: RCW 77.12.047. 06-08-078 (Order 06-59), § 220-88C-030, filed 4/3/06, effective 5/4/06; 05-08-056 (Order 05-53), § 220-88C-030, filed 3/30/05, effective 4/30/05; 04-10-035 (Order 04-94), § 220-88C-030, filed 4/29/04, effective 5/30/04; 03-13-002 (Order 03-111), § 220-88C-030, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-030, filed 3/13/01, effective 4/13/01.]

**WAC 220-88C-040 Coastal pilchard fishery—Seasons and lawful catch.** (1) The coastal pilchard fishery season is open to purse seine fishing April 1 through December 31 only. Fishing under an experimental commercial fishery permit for pilchard is closed within three miles of shore.

(2) It is unlawful to retain any species taken incidental to pilchard in the coastal pilchard fishery except anchovy, mackerel, and market squid (*Logligo opalescens*). Any salmon encircled in the purse seine must be released prior to completion of the set, and no salmon may be landed on the fishing vessel.

(3) It is unlawful to transfer pilchard catch from one fishing vessel to another.

(4) It is unlawful to fail to have legal purse seine gear aboard the vessel making a pilchard landing.

(5) It is unlawful to fail to deliver pilchard landings to a shoreside processing facility.

(6) It is unlawful to deliver more than fifteen percent cumulative weight of pilchard for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-products for purposes other than human consumption or fishing bait during a pilchard fishery season.

(7) Once a delivery has commenced at a processing plant, all fish onboard the vessel must be offloaded at that plant.

[Statutory Authority: RCW 77.12.047. 06-08-078 (Order 06-59), § 220-88C-040, filed 4/3/06, effective 5/4/06; 05-08-056 (Order 05-53), § 220-88C-040, filed 3/30/05, effective 4/30/05; 04-10-035 (Order 04-94), § 220-88C-040, filed 4/29/04, effective 5/30/04; 03-13-002 (Order 03-111), § 220-88C-040, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-040, filed 3/13/01, effective 4/13/01.]

**WAC 220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.**

(1) As a condition of the experimental commercial fishery permit, participants in the coastal pilchard fishery are required to have on-board observers for any pilchard fishing effort at the request of the department.

(2) Up to 500 sardine per vessel trip may be retained by WDFW samplers for biological information.

(3) All persons who obtain an experimental commercial fishery permit, including replacement permits, for the coastal pilchard fishery must complete a department-issued logbook, and the logbook is required to be returned to the department by January 15th of the following year. Failure to submit the logbook will cause the person to be ineligible for a permit in the following season.

[Statutory Authority: RCW 77.12.047. 06-08-078 (Order 06-59), § 220-88C-050, filed 4/3/06, effective 5/4/06; 05-08-056 (Order 05-53), § 220-88C-050, filed 3/30/05, effective 4/30/05; 03-13-002 (Order 03-111), § 220-88C-050, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-050, filed 3/13/01, effective 4/13/01.]

## Chapter 220-88D WAC

### COMMERCIAL SHELLFISH FISHERY ON NONSTATE LANDS

#### WAC

220-88D-010	Emerging commercial fishery—Commercial wild clams, mussels, and oyster shellfish fishery on nonstate tidelands and bedlands.
220-88D-020	Designation of the commercial wild clams, mussels, and oyster harvest on nonstate lands as an emerging commercial fishery.
220-88D-030	Eligibility to participate in the nonstate lands commercial wild clams, mussels, and oyster shellfish fishery.
220-88D-040	Nonstate lands commercial wild clams, mussels, and oysters—Application requirements—Notification requirements—Incidental take prohibited.
220-88D-050	Identification of wild stocks of clams, mussels, or oysters—Reporting requirements for the commercial harvest of wild clams, mussels, or oysters from nonstate aquatic lands—Conversion to private sector cultured aquatic products.

**WAC 220-88D-010 Emerging commercial fishery—Commercial wild clams, mussels, and oyster shellfish fishery on nonstate tidelands and bedlands.** The purpose of this chapter is to license and provide catch reporting requirements for the commercial harvest of wild clams, mussels, and oysters on nonstate lands in an emerging commercial fishery. For purposes of this chapter, "wild" or "wild stocks of" clams, mussels, and oysters means shellfish identified in WAC 220-88D-050. That rule distinguishes between the harvest of wild shellfish stocks subject to this chapter and private sector cultured aquatic products not subject to this chapter. These terms, and all provisions of this chapter pertaining to "wild" or "wild stocks of" clams, mussels, and oysters, or to "private sector cultured aquatic product," are for state resource management, catch reporting, and enforcement purposes only. They are neither intended to be, nor should be characterized as, any determination or evidence of whether "wild" or "wild stocks of" clams, mussels, and oysters (or any portion thereof) are naturally occurring, are subject to treaty sharing, or are part of natural or artificial shellfish beds as those concepts and terms are used and defined in *United States v. Washington*, 157 F.3d 630 (9th Cir. 1998), the Shellfish Implementation Plan of *United States v. Washington*, C70-9213, Subproceeding 89-3 (W.D. Wash, rev. April 8, 2002), and other applicable court orders relating to shellfish.

[Statutory Authority: RCW 77.12.047. 06-04-015 (Order 06-08), § 220-88D-010, filed 1/22/06, effective 2/22/06.]

**WAC 220-88D-020 Designation of the commercial wild clams, mussels, and oyster harvest on nonstate lands as an emerging commercial fishery.** The director designates the commercial harvest of wild clams, mussels, and oysters from nonstate tidelands and bedlands as an emerging commercial fishery for which use of a vessel is not required.

[Statutory Authority: RCW 77.12.047. 06-04-015 (Order 06-08), § 220-88D-020, filed 1/22/06, effective 2/22/06.]

(2007 Ed.)

**WAC 220-88D-030 Eligibility to participate in the nonstate lands commercial wild clams, mussels, and oyster shellfish fishery.** (1) Persons having an ownership interest or contractual right to take shellfish from nonstate owned tidelands or bedlands and who intend to commercially harvest wild stocks of clams, mussels, or oysters are eligible to obtain a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit and to purchase an emerging commercial fishery license. Both the permit and the license are required in order to commercially harvest under this chapter.

(2) The trial fishery permit must be obtained for each site to be harvested. Each harvest site description will be the same as that used for obtaining certification of approval issued by the state department of health. The trial fishery permit must be renewed annually at the same time the site is recertified by the state department of health.

(3) The commercial harvester is covered by a single license for harvesting activity undertaken at any permitted site. The license is effective for one year and must be renewed annually.

(4) "Commercial harvest" of wild clams, mussels, and oysters includes both harvest for sale or barter and harvest of the presumptive commercial quantities defined in RCW 69.30.010.

[Statutory Authority: RCW 77.12.047. 06-04-015 (Order 06-08), § 220-88D-030, filed 1/22/06, effective 2/22/06.]

**WAC 220-88D-040 Nonstate lands commercial wild clams, mussels, and oysters—Application requirements—Notification requirements—Incidental take prohibited.** (1) A person making application for a wild clam, mussel, and oyster trial fishery permit must provide the following for each site:

(a) Documentation of ownership interest in or contractual right to harvest from the lands from which the wild clams, mussels, or oysters are to be harvested.

(b) A harvest site certificate issued by the state department of health for the lands from which the wild clams, mussels, or oysters are to be harvested.

(2) A copy of the application for a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit will be provided to the affected tribes by the department.

(3) If a person registers nonstate lands as an aquatic farm, a copy of the aquatic farm registration will be provided to the affected tribes by the department.

(4) Prior to conducting harvest activities under a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit, the permit holder must fulfill the following requirements:

(a) Provide a copy of the notice required to be given to affected tribes under the Stipulation and Order Amending Shellfish Implementation Plan, *United States v. Washington*, Case No. C70-9214, W.D.Wa., if such notice is required.

(b) Clearly and visibly mark with stakes and/or buoys the property boundaries of the nonstate lands to be harvested, using standard marking methods.

(c) Failure to comply with the requirements of this subsection invalidates the emerging commercial fishery license issued for the harvest of wild clams, mussels, and oysters.

(5) A nonstate lands commercial wild clam, mussel, and oyster trial fishery permit allows harvest only of clams, mus-

sels, and oysters, and it is unlawful to harvest any other shellfish or any fin fish.

(6) It is unlawful to commercially harvest wild clams, mussels, or oysters without a valid emerging commercial fishery license and a nonstate lands commercial wild clam, mussel, and oyster trial fishery permit valid for the lands from which harvest is occurring.

[Statutory Authority: RCW 77.12.047. 06-04-015 (Order 06-08), § 220-88D-040, filed 1/22/06, effective 2/22/06.]

**WAC 220-88D-050 Identification of wild stocks of clams, mussels, or oysters—Reporting requirements for the commercial harvest of wild clams, mussels, or oysters from nonstate aquatic lands—Conversion to private sector cultured aquatic products.** (1) Based upon RCW 15.85.020(3), the following shellfish are distinguished from private sector cultured aquatic products and are identified as wild stocks that are regulated under this chapter:

(a) All clams, mussels, or oysters that were not propagated, farmed, or cultivated under the active supervision and management of a private sector aquatic farmer; and

(b) All clams, mussels, or oysters that were set naturally prior to the time an aquatic farm was established and placed under the active supervision and management of a private sector aquatic farmer.

(2) Examples of harvested wild stocks of shellfish include, but are not limited to, the following:

(a) Any harvest of clams, mussels, or oysters from a site that is not registered as an aquatic farm unless there is some ability to demonstrate that the shellfish was propagated, farmed, or cultivated under the active supervision of an aquatic farmer;

(b) Any harvest of clams, mussels, or oysters that were naturally set prior to the time an aquatic farm was established at the site and placed under the active supervision and management of an aquatic farmer; and

(c) Shellfish that is harvested from a newly registered aquatic farm during a period when the shellfish is presumed to come from a wild stock as specified in subsection (5) of this section.

(3) The sale of wild stocks of clams, mussels, and oysters must be reported through the use of shellfish receiving tickets. The failure to report the sale of shellfish with a fish receiving ticket when it is required is unlawful activity and constitutes a violation of WAC 220-69-215 and RCW 77.15.630. Any person selling wild stocks of clams, mussels, and oysters must sell the harvest to a licensed Washington wholesale fish dealer, who is then required to complete the fish ticket. Alternatively, if the person harvesting the clams, mussels, or oysters sells this shellfish at retail or arranges for the harvested shellfish to be transported out-of-state, they must be a licensed wholesale dealer and must complete a fish receiving ticket for each day's sales or for each shipment.

(4) Wild stock sales may not be reported on aquatic farm quarterly production reports. Only private sector cultured aquatic products may be reported on quarterly production reports.

(5) The following shellfish are presumed to be wild shellfish that are subject to these regulations:

(a) All mussels, oysters, and clams other than geoducks that are commercially harvested from the nonstate lands

within the first twelve months after a complete application for the aquatic farm registration is filed; and

(b) All geoducks commercially harvested from the nonstate lands within the first thirty-six months after a complete application for the aquatic farm registration is filed.

The presumption that shellfish harvested from a newly registered aquatic farm during these time periods are from wild stocks may be overcome by a showing that the harvested shellfish were actually propagated, farmed, or cultivated under the active supervision of an aquatic farmer. After twelve or thirty-six months, respectively, all shellfish produced from a registered aquatic farm will be presumed to be private sector cultured aquatic products, and must be reported on quarterly aquatic farm reports. If a person does not commercially harvest mussels, oysters, or clams other than geoducks for the first twelve months after the aquatic farm registration, or does not commercially harvest geoducks for the first thirty-six months after registration, there is no requirement to obtain an emerging commercial fishery license or trial fishery permit.

[Statutory Authority: RCW 77.12.047. 06-04-015 (Order 06-08), § 220-88D-050, filed 1/22/06, effective 2/22/06.]

## Chapter 220-88E WAC HAGFISH FISHERY

### WAC

220-88E-010	Designation of the hagfish pot fishery as an emerging commercial fishery.
220-88E-020	Emerging commercial fishery—Eligibility for trial fishery permits—Incidental catch.
220-88E-030	Hagfish pot trial fishery—Season and gear.
220-88E-040	Hagfish pot trial fishery—Logbook required.

**WAC 220-88E-010 Designation of the hagfish pot fishery as an emerging commercial fishery.** The director designates the hagfish pot fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver hagfish taken for commercial purposes unless the fisher has a valid emerging commercial fishery license and a hagfish pot trial fishery permit.

[Statutory Authority: RCW 77.12.047. 05-21-067 (Order 05-245), § 220-88E-010, filed 10/14/05, effective 11/14/05.]

**WAC 220-88E-020 Emerging commercial fishery—Eligibility for trial fishery permits—Incidental catch.** (1) An individual may not hold more than one Washington hagfish pot trial permit.

(2) Hagfish pot trial fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and hagfish pot trial fishery permit may be used to fish for or deliver hagfish.

(3) A hagfish trial fishery permit will be issued only to a natural person who has a valid emerging commercial fishery license.

(4) Incidental catch:

(a) It is unlawful to retain any species other than hagfish.

(b) All species other than hagfish must be carefully handled and returned to the water promptly.

[Statutory Authority: RCW 77.12.047. 05-21-067 (Order 05-245), § 220-88E-020, filed 10/14/05, effective 11/14/05.]

**WAC 220-88E-030 Hagfish pot trial fishery—Season and gear.** It is unlawful to fish for hagfish for commercial purposes except as provided in this section:

- (1) Season - Open year-round to hagfish pot gear only.
- (2) Area - Open only in Pacific Ocean waters greater than 50 fathoms in depth.
- (3) Gear restrictions:
  - (a) Maximum of 100 hagfish pots per permit. Pots may be fished individually or on a common ground line.
  - (b) Hagfish pot gear requirements:
    - (i) Maximum entrance tunnel size of eleven square inches. Entrance tunnels may be of any shape.
    - (ii) Each pot is required to have at least one escape exit of at least nine and one-half square inches in opening and which must be constructed of 120 thread size or smaller untreated cotton twine.
  - (c) Buoy requirements: Hag fish pot gear must be buoyed. Marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee. If ground lines are used, ground line end marker buoys must display the number of pots on the ground line.

[Statutory Authority: RCW 77.12.047, 06-21-034 (Order 06-263), § 220-88E-030, filed 10/10/06, effective 11/10/06; 05-21-067 (Order 05-245), § 220-88E-030, filed 10/14/05, effective 11/14/05.]

**WAC 220-88E-040 Hagfish pot trial fishery—Logbook required.** It is unlawful for a participant in the hagfish pot trial fishery to fail to complete the department-supplied logbook with all indicated entries. Logbook information is required to be submitted quarterly, and it is unlawful to fail to remit the information by April 15, July 15, October 15 or January 15 for the previous quarter, whether or not fishing activity occurred during that quarter. Failure to submit logbook information may result in revocation of the trial fishery permit.

[Statutory Authority: RCW 77.12.047, 05-21-067 (Order 05-245), § 220-88E-040, filed 10/14/05, effective 11/14/05.]

### Chapter 220-90 WAC COMMERCIAL HERRING FISHING LICENSE HARDSHIP VALIDATION REVIEW BOARD REGULATIONS

#### WAC

220-90-010	Herring hardship validations, qualifications and conditions.
220-90-015	Resort or marina—Owner or operator.

**WAC 220-90-010 Herring hardship validations, qualifications and conditions.** The director of fisheries may validate an individual or operator to fish for herring under the following provisions:

- (1) Submit proof of investment made in boat and herring fishing equipment prior to April 26, 1973 to the department of fisheries.
  - (a) Fish caught shall be utilized for bait only.
  - (b) No such fishing in Puget Sound Marine Fish-Shellfish Areas 20A, 20B, 21A, and 21B from April 16 to May 31.
  - (c) Validation will be revoked if the conditions are violated.

(2007 Ed.)

[Order 76-148, § 220-90-010, filed 12/2/76; Order 1193, § 220-90-010, filed 3/4/75.]

**WAC 220-90-015 Resort or marina—Owner or operator.** The director of fisheries may validate an individual or operator to fish for herring under the following provisions:

- (1) Submit proof in the form of a notarized affidavit to the department of fisheries that live, fresh, or frozen herring (dependent on need) cannot be purchased from a minimum of three commercial sources at a fair market price.
  - (a) Validations will be for the calendar year only. Renewal is dependent upon submission of a new affidavit.
  - (b) No such fishing in Puget Sound Marine Fish-Shellfish Areas 20A, 20B, 21A, and 21B from April 16 to May 31.
  - (c) Herring caught under this provision must be sold retail for bait by, and at, said resort or marina.
  - (d) Validations under this provision will be nontransferable.
  - (e) Validations will be revoked if the above conditions are violated.

[Order 76-148, § 220-90-015, filed 12/2/76; Order 1193, § 220-90-015, filed 3/4/75.]

### Chapter 220-95 WAC COMMERCIAL FISHING GEAR REDUCTION PROGRAM

#### WAC

220-95-013	2001-2002 Puget Sound salmon license economic adjustment assistance program established—Fund allocation—Expiration.
220-95-018	2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility.
220-95-022	2001-2002 Puget Sound salmon license economic adjustment assistance program application.
220-95-027	Ranking and acceptance of salmon purse seine license offers.
220-95-032	Ranking and acceptance of salmon gill net—Puget Sound and salmon reef net license offers.
220-95-100	Sea urchin license reduction program.
220-95-110	Sea cucumber license reduction program.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-95-010	Application to sell—Qualification. [Statutory Authority: RCW 75.08.080, 81-09-018 (Order 81-22), § 220-95-010, filed 4/10/81; 79-11-069 (Order 79-111), § 220-95-010, filed 10/18/79; 79-03-025 (Order 79-13), § 220-95-010, filed 2/22/79; Order 76-26, § 220-95-010, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
220-95-011	Application to sell. [Statutory Authority: RCW 75.08.080, 82-19-082 (Order 82-141), § 220-95-011, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.
220-95-012	Marginal production. [Statutory Authority: RCW 75.08.080, 81-09-018 (Order 81-22), § 220-95-012, filed 4/10/81.] Repealed by 85-11-011 (Order 85-42), filed 5/7/85. Statutory Authority: RCW 75.08.080.
220-95-015	Survey—Vessel—Gear—License—Permit. [Statutory Authority: RCW 75.08.080, 79-10-013 (Order 79-75), § 220-95-015, filed 9/7/79; 79-03-025 (Order 79-13), § 220-95-015, filed 2/22/79; Order 76-98, § 220-95-015, filed 9/22/76; Order 76-26, § 220-95-015, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
220-95-016	Ranking of applications. [Statutory Authority: RCW 75.08.080, 85-01-013 (Order 84-215), § 220-95-016, filed 12/10/84; 82-19-082 (Order 82-141), § 220-95-016, filed 9/21/82.] Repealed by 95-07-012 (Order 95-

[Title 220 WAC—p. 175]



- 20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.
- 220-95-017 Bonus payments. [Statutory Authority: RCW 75.08.080. 81-09-018 (Order 81-22), § 220-95-017, filed 4/10/81.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
- 220-95-020 Offer to sell. [Statutory Authority: RCW 75.08.080. 79-10-013 (Order 79-75), § 220-95-020, filed 9/7/79; Order 76-26, § 220-95-020, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
- 220-95-021 Program options. [Statutory Authority: RCW 75.08.080. 85-11-011 (Order 85-42), § 220-95-021, filed 5/7/85; 85-01-013 (Order 84-215), § 220-95-021, filed 12/10/84; 84-05-046 (Order 84-11), § 220-95-021, filed 2/21/84; 82-19-082 (Order 82-141), § 220-95-021, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.
- 220-95-025 Survey (owner's expense)—Recomputed offer to sell. [Order 76-98, § 220-95-025, filed 9/22/76; Order 76-26, § 220-95-025, filed 1:45 p.m., 4/20/76.] Repealed by 79-10-013 (Order 79-75), filed 9/7/79. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-95-015, 220-95-020, and 220-95-030.
- 220-95-026 Surveys—Vessels—License—Permit values. [Statutory Authority: RCW 75.08.080. 84-05-046 (Order 84-11), § 220-95-026, filed 2/21/84; 82-19-082 (Order 82-141), § 220-95-026, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.
- 220-95-030 Offer to sell—Forms. [Statutory Authority: RCW 75.08.080. 79-10-013 (Order 79-75), § 220-95-030, filed 9/7/79; Order 76-26, § 220-95-030, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
- 220-95-031 Use restrictions and penalties. [Statutory Authority: RCW 75.08.080. 82-19-082 (Order 82-141), § 220-95-031, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.
- 220-95-035 Advisory board. [Order 76-26, § 220-95-035, filed 1:45 p.m., 4/20/76.] Repealed by 79-10-013 (Order 79-75), filed 9/7/79. Statutory Authority: RCW 75.08.080.
- 220-95-040 Protection—Undisclosed liens, claims, etc. [Order 76-26, § 220-95-040, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
- 220-95-045 Selling of vessels, equipment, gear—Conditions. [Order 76-26, § 220-95-045, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
- 220-95-050 Use of buy-back vessels. [Statutory Authority: RCW 75.08.080. 79-10-013 (Order 79-75), § 220-95-050, filed 9/7/79; Order 76-45, § 220-95-050, filed 6/10/76; Order 76-26, § 220-95-050, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.
- 220-95-055 Violations—Conditions—Penalties. [Order 76-26, § 220-95-055, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

**WAC 220-95-013 2001-2002 Puget Sound salmon license economic adjustment assistance program established—Fund allocation—Expiration.** (1) The legislature and the federal government have allocated funds and anticipate allocating additional funds to buy back salmon licenses from commercial license holders. The department hereby designates \$34,884,689 of these funds as the 2001-2002 Puget Sound salmon license economic adjustment assistance program (program). The licenses eligible to participate in the program are purse seine, Puget Sound salmon gill net, and reef net.

(2) The goal of the program is to provide economic relief to Washington commercial salmon fishers, and to reduce the number of Washington commercial salmon licenses. To accomplish this, the department is proposing a three-step pro-

cess, all three steps of which are purchase of licenses for a fixed sum.

(3) The department will allocate the funds available for the program after deducting up to 3% for the costs of state program administration as follows:

(a) Spring 2001, Phase 1.

(i) Purse seine - 56.4% at a purchase price of \$103,300 per license.

(ii) Gill net - 38.5% at a purchase price of \$27,500 per license.

(iii) Reef net - 5.1% at a purchase price of \$57,600 per license.

(b) Fall 2001, Phase 2.

(c) Spring 2002, Phase 3.

Program administration funds that will not be used will be reallocated to license purchases.

(4) The program expires upon the distribution of all available funds.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-013, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-013, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-013, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-013, filed 3/3/95, effective 4/3/95.]

**WAC 220-95-018 2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility.** Only persons who possessed or were eligible to possess in 2000 a salmon gill net—Puget Sound license, a salmon purse seine license, or a salmon reef net license issued pursuant to RCW 77.65.160, and are eligible to possess the same license in 2001 are eligible to participate in the program.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-018, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-018, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-018, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-018, filed 3/3/95, effective 4/3/95.]

**WAC 220-95-022 2001-2002 Puget Sound salmon license economic adjustment assistance program application.** (1) A person may make only one offer per license under the program.

(2) Applications must be submitted to the department's licensing division on a department offer form. A completed offer form must contain the following information:

The applicant's name, Social Security number, mailing address during the offer period, telephone number (if applicable), and the license type and license number being offered.

(3) Applications for all phases will be accepted through 5:00 p.m., May 11, 2001. Only those applications received by this deadline will be eligible for the Phase 1 buyback. Applications received after this date will be ranked for Phase 2 or Phase 3 as detailed under the procedures for ranking offers.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-022, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-022, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-022, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-022, filed 3/3/95, effective 4/3/95.]

**WAC 220-95-027 Ranking and acceptance of salmon purse seine license offers.** (1) All salmon purse seine licenses will be ranked based upon participation in the Puget Sound summer and fall salmon fisheries.

(2) Purse seine rankings will be based upon a point system (0-15) for landings in the months of July and August (summer fisheries) and/or the months of September, October, and November (fall fisheries) between 1994 and 1998. One point will be assigned for a verified landing during the fall fisheries and two points will be assigned for a verified landing during the summer fisheries or a maximum of fifteen points possible.

(3) Points will be assigned only if the current license owner and program applicant also landed salmon on that same license some time during the 1994-1998 qualifying period except upon the death of the licensee, the license shall be treated as analogous to personal property for purposes of calculating and assigning points in the program. A license transferred to an immediate family member during or after the period 1994-1998, and who has continued with that license shall be able to count the points for that license and shall be qualified to participate in the program.

(4) Example: A current license owner makes a landing on the license in August and October of each year from 1994 to 1998. The owner is assigned the maximum fifteen points possible. If landings were only made in August 1994 and October 1998, then the owner would be assigned three points.

(5) Landings will be documented on official Washington state fish-receiving tickets or computer-generated landing lists certified by the department to be true and correct copies of Washington fish receiving tickets.

(6) In the event that two or more applicants have the same number of points, a random draw shall be conducted to rank the applicants among themselves before placing them into the overall rank order.

(7) The ranking will continue until all applicants have been rank-ordered. The order of ranking will apply to all phases of the program.

(8) **Persons selected** based upon the rank order and the available funds will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.

(9) **Persons not selected** in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for Phase 2 and Phase 3 when they should occur.

(10) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. They are not eligible to participate in Phase 1. Applications received on a single day will be ranked by random draw.

(11) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding for resolution.

(12) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution

of all appeals that affect the ranking of licenses to be purchased.

[Statutory Authority: RCW 77.12.047, 01-10-031 (Order 01-66), § 220-95-027, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 75.08.080, 98-20-052 (Order 98-206), § 220-95-027, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-027, filed 3/3/95, effective 4/3/95.]

#### **WAC 220-95-032 Ranking and acceptance of salmon gill net—Puget Sound and salmon reef net license offers.**

(1) The purchase of Puget Sound gill net and reef net licenses will be based upon a random drawing of all applicants for a specific license type.

(2) The random drawing will continue until all applicants who offered to sell at the department's offered price have been rank-ordered. The order of ranking will apply to all phases of the buyback.

(3) **Persons selected** will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.

(4) **Persons not selected** in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for a Phase 2 and Phase 3 buyback when they should occur.

(5) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. Applications received on a single day will be ranked by random draw.

(6) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding resolution.

(7) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution of all appeals that affect the ranking of licenses to be purchased for that respective gear group.

[Statutory Authority: RCW 77.12.047, 01-10-031 (Order 01-66), § 220-95-032, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-032, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 98-20-052 (Order 98-206), § 220-95-032, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-032, filed 3/3/95, effective 4/3/95.]

#### **WAC 220-95-100 Sea urchin license reduction program.** In order to provide for economic stability in the commercial sea urchin fishery, and in accordance with RCW 77.70.150, the department establishes the sea urchin license reduction program (program).

(1) Eligibility: All persons who currently hold a sea urchin commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea urchin licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.150, with a maximum purchase price of \$8,000 per license.

(3) Offer process: The department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea urchin commercial fishery.

(7) Program termination: This program terminates when the number of sea urchin commercial fishery licensees is reduced to twenty-five.

[Statutory Authority: RCW 77.12.047, 02-17-014 (Order 02-184), § 220-95-100, filed 8/9/02, effective 9/9/02; 02-01-069 (Order 01-274), § 220-95-100, filed 12/14/01, effective 1/14/02.]

**WAC 220-95-110 Sea cucumber license reduction program.** In order to provide for economic stability in the commercial sea cucumber fishery, and in accordance with RCW 77.70.190, the department establishes the sea cucumber license reduction program (program).

(1) Eligibility: All persons who currently hold a sea cucumber commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea cucumber licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.190, with a maximum purchase price of \$12,000 per license.

(3) Offer process: The department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea cucumber commercial fishery.

(7) Program termination: This program terminates when the number of sea cucumber commercial fishery licensees is reduced to twenty-five.

[Title 220 WAC—p. 178]

[Statutory Authority: RCW 77.12.047, 05-17-027 (Order 05-170), § 220-95-110, filed 8/5/05, effective 9/5/05; 02-17-014 (Order 02-184), § 220-95-110, filed 8/9/02, effective 9/9/02; 02-01-069 (Order 01-274), § 220-95-110, filed 12/14/01, effective 1/14/02.]

## Chapter 220-100 WAC

### STATE ENVIRONMENTAL POLICY ACT RULES

#### WAC

220-100-010	Definitions.
220-100-020	Impact of SEPA on the department.
220-100-027	Critical areas.
220-100-030	Purpose.
220-100-040	Scope and coverage of this chapter.
220-100-045	Agency policy—Substantive authority and mitigation.
220-100-055	Timing of the SEPA process.
220-100-057	Threshold levels adopted by local governments.
220-100-058	Notice/statute of limitations.
220-100-060	Summary of information which may be required of a private applicant.
220-100-065	Assumption of lead agency status.
220-100-068	Formal administrative appeal of department environmental determinations.
220-100-070	Designation of responsible official.
220-100-075	Mitigated DNS.
220-100-080	SEPA public information center.
220-100-095	Public notice.
220-100-110	Adoption by reference—Substantial compliance.
220-100-115	Severability.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-100-050	Additional elements of the environment. [Statutory Authority: RCW 75.08.080, 78-05-029 (Order 78-17), § 220-100-050, filed 4/17/78; Order 76-40, § 220-100-050, filed 5/25/76.] Repealed by 84-19-053 (Order 84-144), filed 9/18/84. Statutory Authority: RCW 75.08.080.
220-100-090	Department responsibilities when a consulted agency. [Order 76-40, § 220-100-090, filed 5/25/76.] Repealed by 84-19-053 (Order 84-144), filed 9/18/84. Statutory Authority: RCW 75.08.080.
220-100-100	Filing of agency action—Publication—Form—Time limitation for commencing challenge to action. [Order 76-40, § 220-100-100, filed 5/25/76.] Repealed by 78-05-029 (Order 78-17), filed 4/17/78. Statutory Authority: RCW 75.08.080.
220-100-120	Use of final declaration of nonsignificance for hydraulic project approvals. [Statutory Authority: RCW 75.08.080, 78-05-029 (Order 78-17), § 220-100-120, filed 4/17/78.] Repealed by 84-19-053 (Order 84-144), filed 9/18/84. Statutory Authority: RCW 75.08.080.

**WAC 220-100-010 Definitions.** (1) The definitions of the words and terms of WAC 197-11-700 through 197-11-730 and WAC 197-11-734 through 197-11-799 are made a part of this chapter.

(2) "Environmental document" means any written public document prepared under chapter 197-11 WAC, including department comment letters addressing a SEPA threshold determination or an environmental impact statement (EIS), or supplemental EIS (SEIS).

(3) "Department" means the Washington department of fish and wildlife unless otherwise indicated.

[Statutory Authority: RCW 77.12.047, 03-10-038 (Order 03-83), § 220-100-010, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080, 84-19-053 (Order 84-144), § 220-100-010, filed 9/18/84; Order 76-40, § 220-100-010, filed 5/25/76.]

**WAC 220-100-020 Impact of SEPA on the department.** The department fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill

(2007 Ed.)

the intent and requirements of SEPA and the SEPA rules. The department will make every effort to implement SEPA in the best manner possible with the resources available.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-020, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-020, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-020, filed 4/17/78; Order 76-40, § 220-100-020, filed 5/25/76.]

**WAC 220-100-027 Critical areas.** During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give due consideration to a local government's critical area categorical exemption designations made by local governments under WAC 197-11-908.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-027, filed 4/30/03, effective 5/31/03.]

**WAC 220-100-030 Purpose.** (1) The purpose of this chapter is to implement chapter 197-11 WAC, SEPA rules, as applicable to the department.

(2) These policies and procedures are developed to implement SEPA in a manner which reduces duplication, establishes effective and uniform rules, encourages public involvement, and promotes certainty with respect to the requirements of the act.

(3) These policies and procedures are not intended to cover compliance by the department with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations where the department is required by federal law or regulations to perform some element of compliance with NEPA, compliance will be governed by the applicable federal statute and regulations.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-030, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-030, filed 9/18/84; Order 76-40, § 220-100-030, filed 5/25/76.]

**WAC 220-100-040 Scope and coverage of this chapter.** (1) It is the intent of the department that compliance with this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 197-11-704.

(2) This chapter applies to all department actions as defined in WAC 197-11-704.

(3) To the fullest extent possible, the department shall integrate procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

(4) To the fullest extent possible, the department shall:

(a) Prepare environmental documents that are concise, clear, and to the point, and that are supported by evidence that the necessary environmental analyses have been made.

(b) Find ways to make the SEPA process more useful to decision makers and the public.

(c) Reduce unnecessary paperwork and the accumulation of extraneous background data.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-040, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-040, filed 9/18/84; 78-05-029 (Order

(2007 Ed.)

78-17), § 220-100-040, filed 4/17/78; Order 76-40, § 220-100-040, filed 5/25/76.]

**WAC 220-100-045 Agency policy—Substantive authority and mitigation.** (1) The policy of the department is to avoid or mitigate adverse environmental impacts that may result from department actions. This policy results from:

(a) The legislated duties of the department with respect to fish and wildlife; and

(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).

(2) If an action is subject to SEPA, and the proposed activity requires a permit from the department, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, the department may:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of the department's approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-045, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-045, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-045, filed 4/17/78.]

**WAC 220-100-055 Timing of the SEPA process.** (1) When another agency is the lead agency, the department's environmental review process will normally begin upon receipt of a determination of nonsignificance (DNS), determination of significance (DS), scoping notice, or draft environmental impact statement (DEIS). When the department is the lead agency for nonagency actions, review will normally begin upon receipt of a complete permit application and a complete environmental checklist. The department typically requests plans and a location map, pursuant to WAC 197-11-100. The applicant may choose to submit this information with the checklist so that review may proceed expeditiously. For department actions, environmental review will normally begin when the proposed action is sufficiently developed to allow preliminary decisions.

(2) Upon written request of an applicant, preliminary environmental review will be conducted prior to receipt of detailed project plans and specifications. In such instances, the applicant shall submit information judged by the department to be sufficient to make a preliminary review.

(3) The preliminary review will be advisory only and not binding upon the department. Final review and determination will be made only upon receipt of detailed project plans and specifications. The department will make a determination within ninety days after the application and supporting documents are complete pursuant to RCW 43.21C.033.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-055, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-055, filed 9/18/84.]

**WAC 220-100-057 Threshold levels adopted by local governments.** During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give due consideration to exempt levels adopted by local governments under WAC 197-11-800.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-057, filed 4/30/03, effective 5/31/03.]

**WAC 220-100-058 Notice/statute of limitations.** (1) The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the department, applicant, or proponent pursuant to RCW 43.21C.080.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-058, filed 4/30/03, effective 5/31/03.]

**WAC 220-100-060 Summary of information which may be required of a private applicant.** (1) The applicant for each proposal for which the department is the lead agency shall submit a complete environmental checklist along with a complete application for the required approval.

(2) After review of the environmental checklist, the department may require the applicant to submit additional information necessary to properly evaluate the potential environmental impacts of the project. Field investigation or research may be required of the applicant or conducted by the department at the applicant's cost.

(3) Preparation of EISs is the responsibility of the department's environmental services division. The responsible official shall be satisfied that all EISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(4) Whenever someone other than the department prepares an EIS the responsible official shall:

(a) Coordinate scoping to insure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(5) The responsible official may not require more information of a private applicant than allowed by these rules as supplemented and required by chapter 197-11 WAC.

(6) An EIS is required for each project for which a determination is made that the proposal will have a probable significant adverse impact on the environment. The applicant may prepare the EIS if judged by the department to be qualified, have the department develop the EIS, or hire a consultant to do so. In any case, the EIS shall be prepared under the direction of the responsible official at the expense of the applicant and final approval is that of the responsible official. Cost of preparing the EIS shall be paid by the applicant and shall include fees of the consultant, the department consultation time and cost of any required materials. If the applicant chooses to hire a consultant to prepare the EIS, the consultant must be mutually agreed upon by the applicant and the department. A performance bond in an amount specified by the department may be required of the applicant to ensure payment of the department expenses pursuant to WAC 197-

11-914. Private applicants are encouraged to be involved in the EIS preparation process.

(7) A supplemental EIS shall be prepared as an addition to the EIS if the department decides that:

(a) There are substantial changes to a proposal which will have a probable significant adverse environmental impact; or

(b) There is significant new information relative to the probable significant environmental impact of a proposal.

(c) Pursuant to WAC 197-11-600 (3)(c), written comments on the DEIS warrant additional discussion for purposes of its action than that found in the FEIS.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-060, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-060, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-060, filed 4/17/78; Order 76-40, § 220-100-060, filed 5/25/76.]

#### **WAC 220-100-065 Assumption of lead agency status.**

(1) Whenever the department is an agency of jurisdiction and determines that a DNS issued by another lead agency is inappropriate and that the proposal in question could cause significant harm to the resources under its jurisdiction, the department may assume lead agency status per WAC 197-11-948.

(2) Within ten days of assuming lead agency status, the department will notify the proponent of the proposal in writing as to the reasons for its assumption of lead agency status.

(3) Prior to preparation of an EIS for the proposal, the department will consult with the proponent and give the proponent an opportunity to modify or change the proposal in such a way that an EIS may not be necessary as outlined in WAC 197-11-360(4).

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-065, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-065, filed 9/18/84.]

**WAC 220-100-068 Formal administrative appeal of department environmental determinations.** (1) A person aggrieved by the department's environmental determination is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) To obtain a hearing, a written request must be filed with the department. The mailing address is: Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, WA 98501-1091. Requests must be filed within thirty days of the department's decision.

(3) The request must be plainly labeled, "request for a formal administrative appeal" and must state within the body of the letter:

(a) The name, address, and phone number of the person requesting the appeal;

(b) The specific agency action that the person contests;

(c) Whether the person is the proponent of the proposal or other basis for interest in the agency action in question;

(d) The date of the SEPA determination;

(e) The attorney's name, address, and phone number, if the person is represented by legal counsel.

(4) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursu-

ant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464. All hearings conducted by the director, the director's designee, or an ALJ pursuant to this subsection shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

(5) For additional information on appeal procedures, reference should be made to WAC 197-11-680 (3)(a).

[Statutory Authority: RCW 77.12.047, 03-10-038 (Order 03-83), § 220-100-068, filed 4/30/03, effective 5/31/03.]

**WAC 220-100-070 Designation of responsible official.** Under normal circumstances, the responsible official is the SEPA/NEPA coordinator or the habitat program's designee. The responsible official shall carry out duties and functions for the purpose of assuring the department's compliance with SEPA and SEPA rules. The responsible official may delegate duties and functions assigned under this chapter and chapter 197-11 WAC. When significant involvements of the department converge at a level higher than the SEPA/NEPA coordinator, the director or the director's designee may be assigned the role of responsible official.

[Statutory Authority: RCW 77.12.047, 03-10-038 (Order 03-83), § 220-100-070, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080, 84-19-053 (Order 84-144), § 220-100-070, filed 9/18/84; Order 76-40, § 220-100-070, filed 5/25/76.]

**WAC 220-100-075 Mitigated DNS.** (1) An applicant may ask the department whether issuance of a DS is likely for a proposal. This request for early notice must:

- (a) Be written;
  - (b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
  - (c) Precede the department's actual threshold determination for the proposal.
- (2) The responsible official shall respond to the request within twenty working days of receipt of the letter; the response shall:
- (a) Be written;
  - (b) State whether the department is considering issuance of a DS;
  - (c) Indicate the general or specific area(s) of concern that led the department to consider a DS; and
  - (d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the department will make its threshold determination based on the changed or clarified proposal. The application is not complete until the applicant responds to subsection (3) of this section.

(a) If the department response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental

impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the department shall issue a DNS and circulate the DNS for comments as in WAC 197-11-340(2).

(b) If the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The department may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the department shall issue a DNS and circulate it for review under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the department may require the applicant to submit a new checklist.

(7) The department may change or clarify features of its own proposals before making the threshold determination.

(8) The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the department to consider the clarification or changes in the threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes. Unless the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

[Statutory Authority: RCW 77.12.047, 03-10-038 (Order 03-83), § 220-100-075, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080, 84-19-053 (Order 84-144), § 220-100-075, filed 9/18/84.]

#### **WAC 220-100-080 SEPA public information center.**

The department designates the environmental services division of the habitat program as its SEPA public information center. The mailing address is SEPA Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047, 03-10-038 (Order 03-83), § 220-100-080, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080, 84-19-053 (Order 84-144), § 220-100-080, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-080, filed 4/17/78; Order 76-40, § 220-100-080, filed 5/25/76.]

**WAC 220-100-095 Public notice.** (1) When required under chapter 197-11 WAC, the department will give public notice by one or more of the following methods as appropriate for the specific circumstances:

(a) Notifying public and private groups and agencies with known interest in a certain proposal or in the type of proposals being considered;

(b) Notifying individuals with known interest in a certain proposal or in the type of proposal being considered;

(c) Publication in a newspaper of general circulation in the city, county or general area where the proposal will be implemented;

(d) Posting the property for site specific proposals;

(e) Notifying the news media; and/or

(f) Publishing notice on the department's internet site.

(2) Whenever possible, the department shall integrate these public notice requirements with existing notice procedures, including publication in the SEPA Register, for any department or commission permits or approvals required for the proposal.

(3) The department may require an applicant to complete the public notice requirements for the applicant's proposal at the applicant's expense.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-095, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-095, filed 9/18/84.]

**WAC 220-100-110 Adoption by reference—Substantial compliance.** Except as modified by this chapter, the department adopts the SEPA guidelines as adopted by the department of ecology (chapter 197-11 WAC) and as modified or amended from time to time. Substantial compliance with these guidelines shall constitute compliance with this chapter.

[Statutory Authority: RCW 77.12.047. 04-14-006 (Order 04-155), § 220-100-110, filed 6/24/04, effective 7/25/04. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-110, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-110, filed 4/17/78; Order 76-40, § 220-100-110, filed 5/25/76.]

**WAC 220-100-115 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-115, filed 9/18/84.]

## Chapter 220-110 WAC HYDRAULIC CODE RULES

### WAC

220-110-010	Purpose.
220-110-020	Definitions.
220-110-030	Hydraulic project approvals—Procedures.
220-110-031	Pamphlet hydraulic project approvals—Procedures.
220-110-032	Modification of technical provisions.
220-110-035	Miscellaneous hydraulic projects—Permit requirements and exemptions.
220-110-040	Freshwater technical provisions.
220-110-050	Bank protection.
220-110-060	Construction of freshwater docks, piers, and floats and the driving or removal of piling.
220-110-070	Water crossing structures.
220-110-080	Channel change/realignment.
220-110-100	Conduit crossing.
220-110-120	Temporary bypass culvert, flume, or channel.
220-110-130	Dredging in freshwater areas.
220-110-140	Gravel removal.
220-110-150	Large woody material removal or repositioning.
220-110-160	Felling and yarding of timber.
220-110-170	Outfall structures.
220-110-180	Pond construction.
220-110-190	Water diversions.

220-110-200	Mineral prospecting technical provisions.
220-110-201	Common mineral prospecting technical provisions.
220-110-202	Use of Class 0 mineral prospecting equipment.
220-110-203	Use of Class I mineral prospecting equipment.
220-110-204	Use of Class II mineral prospecting equipment.
220-110-205	Use of Class III mineral prospecting equipment.
220-110-206	Authorized work times and watercourses for mineral prospecting and placer mining projects by specific watercourse, except the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment.
220-110-207	Authorized work times and watercourses for mineral prospecting and placer mining projects in the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment.
220-110-208	Authorized work times and watercourses for mineral prospecting and placer mining projects using Class III equipment only.
220-110-209	Authorized work times and watercourses for mineral prospecting and placer mining projects using Class 0 equipment only.
220-110-223	Freshwater lake bulkheads.
220-110-224	Freshwater boat hoists, ramps, and launches.
220-110-230	Saltwater technical provisions.
220-110-240	Tidal reference areas.
220-110-250	Saltwater habitats of special concern.
220-110-270	Common saltwater technical provisions.
220-110-271	Prohibited work times in saltwater areas.
220-110-280	Bulkheads and bank protection in saltwater areas (nonsingle family residence).
220-110-285	Single-family residence bulkheads in saltwater areas.
220-110-290	Saltwater boat ramps and launches.
220-110-300	Saltwater piers, pilings, docks, floats, rafts, ramps, boat-houses, houseboats, and associated moorings.
220-110-310	Utility lines.
220-110-320	Dredging in saltwater areas.
220-110-330	Marinas in saltwater areas.
220-110-331	Aquatic plant removal and control technical provisions.
220-110-332	Hand removal or control.
220-110-333	Bottom barriers or screens.
220-110-334	Weed rolling.
220-110-335	Mechanical harvesting and cutting.
220-110-336	Rotovation.
220-110-337	Aquatic plant dredging.
220-110-338	Water level manipulation.
220-110-340	Informal appeal of adverse administrative decisions.
220-110-350	Formal appeal of administrative decisions.
220-110-360	Penalties.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-110-090	Channel realignment. [Statutory Authority: RCW 75.08.080. 87-15-086 (Order 87-48), § 220-110-090, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-090, filed 4/13/83.] Repealed by 94-23-058 (Order 94-160), filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.080.
220-110-110	Culvert installation. [Statutory Authority: RCW 75.08.080. 87-15-086 (Order 87-48), § 220-110-110, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-110, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-110, filed 4/13/83.] Repealed by 94-23-058 (Order 94-160), filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.080.
220-110-210	Mineral prospecting (sluicing). [Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-210, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-210, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-210, filed 4/13/83.] Repealed by 99-01-088 (Order 98-252), filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330.
220-110-220	Mineral prospecting (dredging). [Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-220, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-220, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-220, filed 4/13/83.] Repealed

220-110-260

by 99-01-088 (Order 98-252), filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330.

Pacific herring spawning beds. [Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-260, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-260, filed 4/13/83.] Repealed by 94-23-058 (Order 94-160), filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.080.

**WAC 220-110-010 Purpose.** It is the intent of the department to provide protection for all fish life through the development of a statewide system of consistent and predictable rules. The department will coordinate with other local, state, and federal regulatory agencies, and tribal governments, to minimize regulatory duplication. Pursuant to chapter 75.20 RCW, this chapter establishes regulations for the construction of hydraulic project(s) or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, and sets forth procedures for obtaining a hydraulic project approval (HPA). In addition, this chapter incorporates criteria generally used by the department for project review and conditioning HPAs.

The technical provisions in WAC 220-110-040 through 220-110-338 represent common provisions for the protection of fish life for typical projects proposed to the department. Implementation of these provisions is necessary to minimize project specific and cumulative impacts to fish life. These regulations reflect the best available science and practices related to protection of fish life. The department will incorporate new information as it becomes available, and to allow for alternative practices that provide equal or greater protection for fish life.

The technical provisions shall apply to a hydraulic project when included as provisions on the HPA. Each application shall be reviewed on an individual basis. Common technical provisions applicable to a specific project may be modified or deleted by the department pursuant to WAC 220-110-032. HPAs may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the common technical provisions.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-010, filed 6/4/97, effective 7/5/97; 94-23-058 (Order 94-160), § 220-110-010, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-010, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-010, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-010, filed 4/13/83.]

**WAC 220-110-020 Definitions.** As used in this chapter, unless the context clearly requires otherwise:

- (1) "Aggregate" means a mixture of minerals separable by mechanical or physical means.
- (2) "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW 17.10.010(10), and that are of value to fish life.
- (3) "Aquatic noxious weed" means an aquatic weed on the state noxious weed list as prescribed by RCW 17.10.010(10).
- (4) "Aquatic plant" means any aquatic noxious weed and aquatic beneficial plant that occurs within the ordinary high water line of waters of the state.

(2007 Ed.)

(5) "Bank" means any land surface above the ordinary high water line that adjoins a body of water and contains it except during floods. Bank also includes all land surfaces of islands above the ordinary high water line that adjoin a water body and that are below the flood elevation of their surrounding water body.

(6) "Beach area" means the beds between the ordinary high water line and extreme low tide.

(7) "Bed" means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(8) "Bed materials" means naturally occurring material, including, but not limited to, gravel, cobble, rock, rubble, sand, mud and aquatic plants, found in the beds of state waters. Bed materials may be found in deposits or bars above the wetted perimeter of water bodies.

(9) "Biodegradable" means material that is capable of being readily decomposed by biological means, such as by bacteria.

(10) "Bioengineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

(11) "Bottom barrier or screen" means synthetic or natural fiber sheets of material used to cover and kill plants growing on the bottom of a watercourse.

(12) "Boulder" means a stream substrate particle larger than ten inches in diameter.

(13) "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

(14) "Concentrator" means a device used to physically or mechanically separate and enrich the valuable mineral content of aggregate. Pans, sluice boxes and mini-rocker boxes are examples of concentrators.

(15) "Cofferdam" means a temporary enclosure used to keep water from a work area.

(16) "Control" means level of treatment of aquatic noxious weeds as prescribed by RCW 17.10.010(5).

(17) "Department" means the department of fish and wildlife.

(18) "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by SCUBA divers to remove aquatic plants.

(19) "Drawdown" means decreasing the level of standing water in a watercourse to expose bottom sediments and rooted plants.

(20) "Dredging" means removal of bed material using other than hand held tools.

(21) "Early infestation" means an aquatic noxious weed whose stage of development, life history, or area of coverage makes one hundred percent control and eradication as prescribed by RCW 17.10.010(5) likely to occur.



(22) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire.

(23) "Entrained" means the entrapment of fish into a watercourse diversion without the presence of a screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

(24) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

(25) "Eradication." See "control."

(26) "Established ford" means a crossing place in a watercourse that was in existence and annually used prior to 1986 or subsequently permitted by the department, and, has identifiable approaches on the banks.

(27) "Excavation site" means the pit, furrow, or hole from which aggregate is being removed for the processing and recovery of minerals.

(28) "Extreme low tide" means the lowest level reached by a receding tide.

(29) "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

(30) "Filter blanket" means a layer or combination of layers of pervious materials (organic, mineral, or synthetic) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

(31) "Fish life" means all fish species, including but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development of those species.

(32) "Fishway" means any facility or device that is designed to enable fish to effectively pass around or through an obstruction without undue stress or delay.

(33) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of the department of fish and wildlife.

(34) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

(35) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the fish and wildlife commission.

(36) "General provisions" means those provisions that are contained in every HPA.

(37) "Hand cutting" means the removal or control of aquatic plants with the use of hand-held tools or equipment, or equipment that is carried by a person when used.

(38) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Some examples of hand-held tools are shovels, rakes, hammers, pry bars and cable winches.

(39) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish and shellfish.

(40) "Highbanker" means a stationary concentrator capable of being operated outside the wetted perimeter of the water body from which water is removed, and which is used to separate gold and other minerals from aggregate with the use of water supplied by hand or pumping, and consisting of a sluice box, hopper, and water supply. Aggregate is supplied to the highbanker by means other than suction dredging. This definition excludes mini-rocker boxes.

(41) "Highbanking" means the use of a highbanker for the recovery of minerals.

(42) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic projects include forest practice activities, conducted pursuant to the forest practices rules (Title 222 WAC), that involve construction or performance of other work in or across the ordinary high water line of:

(a) Type 1-3 waters; or

(b) Type 4 and 5 waters with identifiable bed or banks where there is a hatchery water intake within two miles downstream; or

(c) Type 4 and 5 waters with identifiable bed or banks within one-fourth mile of Type 1-3 waters where any of the following conditions apply:

(i) Where the removal of timber adjacent to the stream is likely to result in entry of felled trees into flowing channels;

(ii) Where there is any felling, skidding, or ground lead yarding through flowing water, or through dry channels with identifiable bed or banks with gradient greater than twenty percent;

(iii) Where riparian or wetland leave trees are required and cable tailholds are on the opposite side of the channel;

(iv) Where road construction or placement of culverts occurs in flowing water;

(v) Where timber is yarded in or across flowing water;

(d) Type 4 and 5 waters with identifiable bed or banks that are likely to adversely affect fish life, where the HPA requirement is noted by the department in response to the forest practice application.

Hydraulic projects and associated permit requirements for specific project types are further defined in other sections of this chapter.

(43) "Hydraulic project application" means a form provided by and submitted to the department of fish and wildlife accompanied by plans and specifications of the proposed hydraulic project.

(44) "Hydraulic project approval" (HPA) means:

(a) A written approval for a hydraulic project signed by the director of the department of fish and wildlife, or the director's designates; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fish and wildlife, or the director's designates; or

(c) The following printed pamphlet approvals and any supplemental approvals to them. See "supplemental approval":

(i) A "Gold and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities for mineral prospecting and placer mining; or

(ii) An "Irrigation and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities; or

(iii) An "*Aquatic Plants and Fish*" pamphlet issued by the department which identifies and authorizes specific aquatic noxious weed and aquatic beneficial plant removal and control activities.

(45) "Hydraulicizing" means the use of water spray or water under pressure to dislodge minerals and other material.

(46) "Job site" means the space of ground including and immediately adjacent to the area where work is conducted under the authority of a hydraulic project approval. For mineral prospecting and placer mining projects, the job site includes the excavation site.

(47) "Lake" means any natural or impounded body of standing freshwater, except impoundments of the Columbia and Snake rivers.

(48) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet and rootwads, wholly or partially waterward of the ordinary high water line.

(49) "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the MLLW = 0.0 tidal elevation.

(50) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each day's lowest tide at a particular location over a period of nineteen years. It is the tidal datum for vertical tidal references in the saltwater area.

(51) "Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of aquatic mechanical harvesters which cut and collect aquatic plants, and mechanical cutters which only cut aquatic plants.

(52) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal other than the human body used in any aspect of prospecting for or recovering minerals. Classifications of mineral prospecting equipment are as follows:

(a) Class 0 - nonmotorized pans.

(b) Class I.

(i) Pans.

(ii) Nonmotorized sluice boxes, concentrators and mini-rocker boxes with a riffle area not exceeding ten square feet, and not exceeding fifty percent of the width of the wetted perimeter of the stream.

(c) Class II.

(i) Suction dredges with a maximum nozzle size of four inches inside diameter.

(ii) Highbankers or suction dredge/highbanker combinations with a maximum water intake size of two and one-half inches inside diameter, when operated wholly below the ordinary high water line.

(d) Class III.

(i) Highbankers supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(ii) Suction dredge/highbanker combinations supplied with water from a pump with a maximum water intake size of

two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(iii) Other concentrators supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(53) "Mini-rocker box" means a nonmotorized concentrator operated with a rocking motion and consisting of a hopper attached to a cradle and a sluice box with a riffle area not exceeding ten square feet. The mini-rocker box shall only be supplied with water by hand and be capable of being carried by one individual. A mini-rocker box shall not be considered a highbanker.

(54) "Mitigation" means actions which shall be required as provisions of the HPA to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

(55) "Natural conditions" means those conditions which arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

(56) "No-net-loss" means:

(a) Avoidance or mitigation of adverse impacts to fish life; or

(b) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(c) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

(57) "Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland: Provided, That in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

(58) "Pan" means the following equipment used to separate gold or other metal from aggregate by washing:

- (a) An open, metal or plastic dish operated by hand; or
- (b) A motorized rotating open, metal or plastic dish without pumped or gravity-fed water supplies.

(59) "Panning" means the use of a pan to wash aggregate.

(60) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

(61) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

(62) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

(63) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

(64) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(b).

(65) "Riffle" means the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

(66) "River or stream." See "watercourse."

(67) "Rotovation" means the use of aquatic rotovators which have underwater rototiller-like blades to uproot aquatic plants as a means of plant control.

(68) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

(69) "Shellfish" means those species of saltwater and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of fish and wildlife. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(70) "Sluice box" means a trough equipped with riffles across its bottom, used to recover gold and other minerals with the use of water.

(71) "Sluicing" means the use of a sluice box for the recovery of gold and other minerals.

(72) "Small scale mineral prospecting equipment" encompasses the equipment included in "mineral prospecting equipment, Class I."

(73) "Spartina" means *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.-020 (5)(a).

(74) "Special provisions" means those conditions that are a part of the HPA, but are site or project specific, and are used to supplement or amend the technical provisions.

(75) "Streambank stabilization" means those projects which prevent or limit erosion, slippage, and mass wasting; including, but not limited to bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection (physical armoring of banks using rock or woody material, or placement of jetties or groins), gravel removal or erosion control.

(76) "Suction dredge" means a machine equipped with an internal combustion engine or electric motor powering a

water pump which is used to move submerged bed materials by means of hydraulic suction. These bed materials are processed through an attached sluice box for the recovery of gold and other minerals.

(77) "Suction dredging" means the use of a suction dredge for the recovery of gold and other minerals.

(78) "Supplemental approval" means a written addendum issued by the department to a pamphlet HPA for approved exceptions to conditions of that pamphlet HPA or for any additional authorization by the department when required by a pamphlet HPA. See "hydraulic project approval."

(79) "Tailings" means waste material remaining after processing aggregate for minerals.

(80) "Technical provisions" means those conditions that are a part of the HPA and apply to most projects of that nature.

(81) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

(82) "Viable" means that any plant or plant part is capable of taking root or living when introduced into a body of water.

(83) "Watercourse" and "river or stream" means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.

(84) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, pursuant to Title 90 RCW.

(85) "Waters of the state" or "state waters" means all salt waters and fresh waters waterward of ordinary high water lines and within the territorial boundaries of the state.

(86) "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules and regulations.

(87) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

(88) "Wetted perimeter" means the areas of a watercourse covered with water, flowing or nonflowing.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-020, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-020, filed 6/4/97, effective 7/5/97; 94-23-058 (Order 94-160), § 220-110-020, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-020, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-020, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-020, filed 4/13/83.]

**WAC 220-110-030 Hydraulic project approvals—Procedures.** (1) A person shall obtain an HPA before conducting a hydraulic project.

(2) A person seeking an HPA shall submit a complete application to the department. The application shall contain general plans for the overall project, complete plans and specifications for the proposed construction or work waterward of the mean higher high water line in salt water or waterward of the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The application shall be signed and dated by the applicant or their agent.

(3) Receipt of any one of the following documents constitutes application for an HPA:

(a) A completed hydraulic project application submitted to the department;

(b) A completed forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010; or

(c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard.

(4) The department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the State Environmental Policy Act (SEPA) (chapter 43.21C RCW). The department shall strive to issue HPAs in less than thirty days. The forty-five day requirement shall be suspended if:

(a) An incomplete application is received;

(b) The site is physically inaccessible for inspection;

(c) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(d) The applicant requests delay.

(5) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(6) The department may issue an expedited written HPA in those instances where normal processing would result in unanticipated extreme hardship for the applicant, or unacceptable environmental damage would occur. An expedited HPA may be granted upon request for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources that are subject to imminent danger by weather, flow, or other natural conditions. Expedited HPA requests require complete written application and shall take precedence over other nonemergency applications and will normally be issued within ten calendar days of request. All SEPA requirements shall be met prior to issuance of an expedited HPA.

(7) Verbal approval shall be granted immediately upon request for emergency work to repair existing structures, move obstructions, restore banks, or protect property that is subject to immediate danger by weather, flow, or other natural conditions. Verbal approval shall be granted immediately upon request for driving across a stream during an emergency, as defined in WAC 220-110-020.

(8) The department may accept written or verbal requests for time extensions, renewals, or alterations of an existing HPA. Approvals of such requests shall be in writing. Transfer

of an HPA to a new permittee requires written request by the original permittee or their agent and such request shall include the HPA number. This written request shall be in a form acceptable to the department and shall contain an affirmation by the new permittee that he/she agrees to be bound by the conditions on the HPA. Project activity shall not be conducted by the new permittee until approval has been issued by the department.

(9) Each HPA is usually specific to a watercourse, stating the exact location of the project site, and usually consists of general, technical, and special provisions.

(10) The written HPA, or clear reproduction, shall be on the project site when work is being conducted and shall be immediately available for inspection.

(11) All HPAs may be granted for a period of up to five years. Permittees shall demonstrate substantial progress on construction of that portion of the project relating to the (HPA) within two years of the date of issuance. The following types of HPAs issued under RCW 75.20.103 shall remain in effect without the need for periodic renewal provided the permittee notifies the department before commencing the work each year.

(a) Work of a seasonal nature that diverts water for irrigation or stock watering purposes.

(b) Streambank stabilization projects if the problem causing the erosion occurs on an annual or more frequent basis as demonstrated by the applicant. Evidence of erosion may include, but is not limited to history of permit application, approval, or photographs. Periodic flood waters by themselves do not constitute the problem that requires a HPA.

(12) A hydraulic project application shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. If approval is denied, the department shall provide the applicant, in writing, a statement of the specific reason(s) why and how the proposed project would adversely affect fish life.

(13) Protection of fish life shall be the only grounds upon which an HPA may be denied or conditioned.

(14) HPAs may have specific time limitations on project activities to protect fish life.

(15) HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, federal, and other Washington state agencies.

(16) Administration of this chapter shall be conducted in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.

(17) All HPAs issued pursuant to RCW 75.20.100 and 75.20.160 may be subject to additional restrictions, conditions, or revocation if the department determines that new biological or physical information indicates the need for such action. The permittee has the right to request an informal or formal appeal in accordance with chapter 34.05 RCW. All HPAs issued pursuant to RCW 75.20.103 may be modified by the department due to changed conditions after consultation with the permittee. Provided however, That modifications of HPAs issued pursuant to RCW 75.20.103 and 75.20.160 shall be subject to appeal to the hydraulic appeals board established in RCW 75.20.130.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-030, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-030, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100, 84-21-060 (Order 84-176), § 220-110-030, filed 10/15/84; 84-04-047 (Order 84-04), § 220-110-030, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-030, filed 4/13/83.]

**WAC 220-110-031 Pamphlet hydraulic project approvals—Procedures.** (1) In those instances where a pamphlet is the equivalent of an HPA as defined in WAC 220-110-020(44), a person shall obtain a pamphlet HPA issued by the department which identifies and authorizes specific minor hydraulic project activities before conducting a hydraulic project.

(2) Supplemental approvals to the pamphlet HPA as defined in WAC 220-110-020(44) and 220-110-020(78) shall require written authorization by the department.

(3) Applications submitted to the department for supplemental approvals may be verbal or written.

(a) Applications shall specify the requested exception or request for additional authorization and shall include the applicant's name, address and phone number. Written applications shall be signed and dated.

(b) The department shall grant or deny approval within forty-five calendar days of the receipt of a request for supplemental approval.

(4) The supplemental approval shall be attached to the pamphlet HPA and shall be on the job site when work is being conducted and shall be immediately available for inspection.

(5) The pamphlet HPA, or clear reproduction, shall be on the job site when work is being conducted and shall be immediately available for inspection.

(6) The pamphlet HPA shall be conditioned to ensure protection of fish life.

(7) Pamphlet HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, federal, and other Washington state agencies.

(8) Administration of this chapter shall be conducted in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330, 99-01-088 (Order 98-252), § 220-110-031, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 97-13-001 (Order 97-84), § 220-110-031, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-032 Modification of technical provisions.** Technical provisions applicable to a specific project may be modified or deleted by the department where any of the following is demonstrated:

(1) The provision has no logical application to a project;

(2) The applicant provides an alternate plan to the provision and demonstrates that it provides equal or greater protection for fish life;

(3) Enforcement of the provision would result in denial and there is adequate mitigation to allow the project and achieve no-net-loss of fish life or productive fish or shellfish habitat;

(4) The modification or deletion of the provision will not contribute to net loss of fish life;

(5) The proposal is part of an approved clean-up action under Model Toxics Control Act; Comprehensive Environmental Response Compensation and Liability Act; or Superfund Amendment and Reauthorization Act; or

(6) The technical provisions conflict with applicable local, state, or federal regulations that provide adequate protection for fish life.

HPAs may also be subject to additional special provisions to address project or site-specific considerations not adequately addressed by the technical provisions, or to implement management prescriptions developed through watershed analysis. The HPA will include all of the technical provisions with which an applicant will be required to comply.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-032, filed 11/14/94, effective 12/15/94.]

**WAC 220-110-035 Miscellaneous hydraulic projects—Permit requirements and exemptions.** (1) Operators of mechanical or hydraulic clam harvesters shall be required to obtain an HPA and comply with provisions of WAC 220-52-018, and shall obtain and comply with the provisions of the department's permit to operate a clam harvesting machine.

(2) An activity conducted solely for the removal or control of spartina does not require an HPA. An activity conducted solely for the removal or control of purple loosestrife and which is performed with hand-held tools, hand-held equipment, or equipment carried by a person when used does not require an HPA. Any other activity conducted solely for the removal or control of aquatic noxious weeds or aquatic beneficial plants shall require either a copy of the current *Aquatic Plants and Fish* pamphlet HPA available from the department or an individual HPA.

(3) The installation, by hand or hand-held tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require an HPA.

(4) Driving a vehicle or operating equipment on or across an established ford does not require an HPA. However, ford repair with equipment or construction work waterward of the ordinary high water lines requires an HPA. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires an HPA. HPAs for new fords issued subsequent to January 1995 shall require that the entry and exit points of the ford not exceed one hundred feet upstream or downstream of each other.

(5) A person conducting a remedial action under a consent decree, order, or agreed order, pursuant to chapter 70.105D RCW, and the department of ecology when it conducts a remedial action, are exempt from the procedural requirements of the Hydraulic Code. Compliance with the substantive provisions of the Hydraulic Code is required.

(6) The technical and special provisions of an individual or a pamphlet HPA shall be followed by the permit holder, equipment operator(s), and other individuals conducting the project.

(7) The legislature expressed the intent in RCW 76.09.030(2) for closer integration of the forest practices and hydraulics permitting processes. Pursuant to chapter 76.09 RCW, the forest practices board has adopted rules that include fish protection measures normally included in

hydraulic project approvals for projects in nonfish bearing waters. Based on the fish protection measures contained in chapters 222-16, 222-24 and 222-30 WAC, and fish protection measures contained in the forest practices board manual described in WAC 222-12-090, forest practices, as defined in chapter 76.09 RCW, conducted under an approved forest practices application or notification issued by the department of natural resources, and conducted in or across type Np or Ns waters as defined in WAC 222-16-030 (Type 4 or Type 5 Waters, respectively, as defined in WAC 222-16-031), do not require an HPA.

[Statutory Authority: RCW 77.12.047, 04-23-062 (Order 04-299), § 220-110-035, filed 11/15/04, effective 6/1/05. Statutory Authority: RCW 75.08.080, 97-13-001 (Order 97-84), § 220-110-035, filed 6/4/97, effective 7/5/97; 94-23-058 (Order 94-160), § 220-110-035, filed 11/14/94, effective 12/15/94.]

#### **WAC 220-110-040 Freshwater technical provisions.**

WAC 220-110-050 through 220-110-225 set forth technical provisions that shall apply to freshwater hydraulic projects. Certain technical provisions shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life. Saltwater provisions referenced in WAC 220-110-230 through 220-110-330 may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam, where applicable.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-040, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-040, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-040, filed 4/13/83.]

**WAC 220-110-050 Bank protection.** Bio-engineering is the preferred method of bank protection where practicable. Bank protection projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to bank protection projects:

(1) Bank protection work shall be restricted to work necessary to protect eroding banks.

(2) Bank protection material placement waterward of the ordinary high water line shall be restricted to the minimum amount necessary to protect the toe of the bank, or for installation of mitigation features approved by the department.

(3) The toe shall be designed to protect the integrity of bank protection material.

(4) Bank sloping shall be accomplished in a manner that avoids release of overburden material into the water. Overburden material resulting from the project shall be deposited so as not to reenter the water.

(5) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks, including riprap areas, shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty per-

cent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(6) Fish habitat components such as logs, stumps, and/or large boulders may be required as part of the bank protection project to mitigate project impacts. These fish habitat components shall be installed according to an approved design to withstand 100-year peak flows.

(7) When rock or other hard materials are approved for bank protection, the following provisions shall apply:

(a) Bank protection material shall be angular rock. The project shall be designed and the rock installed to withstand 100-year peak flows. River gravels shall not be used as exterior armor, except as specifically approved by the department.

(b) Bank protection and filter blanket material shall be placed from the bank or a barge. Dumping onto the bank face shall be permitted only if the toe is established and the material can be confined to the bank face.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-050, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-050, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-050, filed 4/13/83.]

**WAC 220-110-060 Construction of freshwater docks, piers, and floats and the driving or removal of piling.** All pier, dock, float, and piling construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to freshwater dock, pier, and float construction projects and the driving or removal of piling:

(1) Excavation for and placement of the footings and foundation shall be landward of the ordinary high water line unless the construction site is separated from state waters by use of an approved dike, cofferdam, or similar structure.

(2) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(3) Removal of existing or temporary structures shall be accomplished so that the structure and associated material does not reenter the watercourse.

(4) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

(5) Skirting or other structures shall not be constructed around piers, docks, or floats unless specifically approved in the HPA.

(6) Floatation for the structure shall be enclosed and contained, when necessary, to prevent the breakup or loss of the floatation material into the water.

(7) All work operations shall be conducted in such a manner that causes little or no siltation to adjacent areas. If at any time, fish are observed in distress, a fish kill occurs, or water quality problems develop as a result of a pier, dock, float, or piling project, construction operations shall cease and the permittee or authorized agent shall immediately contact the department.

(8) Removal of aquatic vegetation shall be limited to that necessary to gain access to construct the project.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-060, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-060, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-060, filed 4/13/83.]

**WAC 220-110-070 Water crossing structures.** In fish bearing waters, bridges are preferred as water crossing structures by the department in order to ensure free and unimpeded fish passage for adult and juvenile fishes and preserve spawning and rearing habitat. Pier placement waterward of the ordinary high water line shall be avoided, where practicable. Other structures which may be approved, in descending order of preference, include: Temporary culverts, bottomless arch culverts, arch culverts, and round culverts. Corrugated metal culverts are generally preferred over smooth surfaced culverts. Culvert baffles and downstream control weirs are discouraged except to correct fish passage problems at existing structures.

An HPA is required for construction or structural work associated with any bridge structure waterward of or across the ordinary high water line of state waters. An HPA is also required for bridge painting and other maintenance where there is potential for wastage of paint, sandblasting material, sediments, or bridge parts into the water, or where the work, including equipment operation, occurs waterward of the ordinary high water line. Exemptions/5-year permits will be considered if an applicant submits a plan to adhere to practices that meet or exceed the provisions otherwise required by the department.

Water crossing structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to water crossing structures:

(1) Bridge construction.

(a) Excavation for and placement of the foundation and superstructure shall be outside the ordinary high water line unless the construction site is separated from waters of the state by use of an approved dike, cofferdam, or similar structure.

(b) The bridge structure or stringers shall be placed in a manner to minimize damage to the bed.

(c) Alteration or disturbance of bank or bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one

year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(d) Removal of existing or temporary structures shall be accomplished so that the structure and associated material does not enter the watercourse.

(e) The bridge shall be constructed, according to the approved design, to pass the 100-year peak flow with consideration of debris likely to be encountered. Exception shall be granted if applicant provides hydrologic or other information that supports alternative design criteria.

(f) Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(g) Structures containing concrete shall be sufficiently cured prior to contact with water to avoid leaching.

(h) Abutments, piers, piling, sills, approach fills, etc., shall not constrict the flow so as to cause any appreciable increase (not to exceed .2 feet) in backwater elevation (calculated at the 100-year flood) or channel wide scour and shall be aligned to cause the least effect on the hydraulics of the watercourse.

(i) Riprap materials used for structure protection shall be angular rock and the placement shall be installed according to an approved design to withstand the 100-year peak flow.

(2) Temporary culvert installation.

The allowable placement of temporary culverts and time limitations shall be determined by the department, based on the specific fish resources of concern at the proposed location of the culvert.

(a) Where fish passage is a concern, temporary culverts shall be installed according to an approved design to provide adequate fish passage. In these cases, the temporary culvert installation shall meet the fish passage design criteria in Table 1 in subsection (3) of this section.

(b) Where culverts are left in place during the period of September 30 to June 15, the culvert shall be designed to maintain structural integrity to the 100-year peak flow with consideration of the debris loading likely to be encountered.

(c) Where culverts are left in place during the period June 16 to September 30, the culvert shall be designed to maintain structural integrity at a peak flow expected to occur once in 100 years during the season of installation.

(d) Disturbance of the bed and banks shall be limited to that necessary to place the culvert and any required channel modification associated with it. Affected bed and bank areas outside the culvert shall be restored to preproject condition following installation of the culvert.

(e) The culvert shall be installed in the dry, or in isolation from stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area. Exception may be granted if siltation or turbidity is reduced by installing the culvert in the flowing stream. The bypass

reach shall be limited to the minimum distance necessary to complete the project. Fish stranded in the bypass reach shall be safely removed to the flowing stream.

(f) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(g) Imported fill which will remain in the stream after culvert removal shall consist of clean rounded gravel ranging in size from one-quarter to three inches in diameter. The use of angular rock may be approved from June 16 to September 30, where rounded rock is unavailable. Angular rock shall be removed from the watercourse and the site restored to pre-project conditions upon removal of the temporary culvert.

(h) The culvert and fill shall be removed, and the disturbed bed and bank areas shall be reshaped to preproject configuration. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors need to be considered.

(i) The temporary culvert shall be removed and the approaches shall be blocked to vehicular traffic prior to the expiration of the HPA.

(j) Temporary culverts may not be left in place for more than two years from the date of issuance of the HPA.

(3) Permanent culvert installation.

(a) In fish bearing waters or waters upstream of a fish passage barrier (which can reasonably be expected to be corrected, and if corrected, fish presence would be reestablished), culverts shall be designed and installed so as not to impede fish passage. Culverts shall only be approved for installation in spawning areas where full replacement of impacted habitat is provided by the applicant.

(b) To facilitate fish passage, culverts shall be designed to the following standards:

(i) Culverts may be approved for placement in small streams if placed on a flat gradient with the bottom of the culvert placed below the level of the streambed a minimum of twenty percent of the culvert diameter for round culverts, or twenty percent of the vertical rise for elliptical culverts (this depth consideration does not apply within bottomless culverts). Footings of bottomless culverts shall be buried sufficiently deep so they will not become exposed by scour within the culvert. The twenty percent placement below the streambed shall be measured at the culvert outlet. The culvert width at the bed, or footing width, shall be equal to or greater than the average width of the bed of the stream.

(ii) Where culvert placement is not feasible as described in (b)(i) of this subsection, the culvert design shall include the elements in (b)(ii)(A) through (E) of this subsection:

(A) Water depth at any location within culverts as installed and without a natural bed shall not be less than that

identified in Table 1. The low flow design, to be used to determine the minimum depth of flow in the culvert, is the two-year seven-day low flow discharge for the subject basin or ninety-five percent exceedance flow for migration months of the fish species of concern. Where flow information is unavailable for the drainage in which the project will be conducted, calibrated flows from comparable gauged drainages may be used, or the depth may be determined using the installed no-flow condition.

(B) The high flow design discharge, used to determine maximum velocity in the culvert (see Table 1), is the flow that is not exceeded more than ten percent of the time during the months of adult fish migration. The two-year peak flood flow may be used where stream flow data are unavailable.

(C) The hydraulic drop is the abrupt drop in water surface measured at any point within or at the outlet of a culvert. The maximum hydraulic drop criteria must be satisfied at all flows between the low and high flow design criteria.

(D) The bottom of the culvert shall be placed below the natural channel grade a minimum of twenty percent of the culvert diameter for round culverts, or twenty percent of the vertical rise for elliptical culverts (this depth consideration does not apply within bottomless culverts). The downstream bed elevation, used for hydraulic calculations and culvert placement in relation to bed elevation, shall be taken at a point downstream at least four times the average width of the stream (this point need not exceed twenty-five feet from the downstream end of the culvert). The culvert capacity for flood design flow shall be determined by using the remaining capacity of the culvert.

Table 1  
Fish Passage Design Criteria for Culvert Installation

Criteria	Adult Trout > 6 in. (150mm)	Adult Pink, Chum Salmon	Adult Chinook, Coho, Sockeye, Steelhead
1. Velocity, Maximum (fps)			
Culvert Length (ft)			
a. 10 - 60	4.0	5.0	6.0
b. 60 - 100	4.0	4.0	5.0
c. 100 - 200	3.0	3.0	4.0
d. > 200	2.0	2.0	3.0
2. Flow Depth Minimum (ft)	0.8	0.8	1.0
3. Hydraulic Drop, Maximum (ft)	0.8	0.8	1.0

(E) Appropriate statistical or hydraulic methods must be applied for the determination of flows in (b)(ii)(A) and (B) of this subsection. These design flow criteria may be modified for specific proposals as necessary to address unusual fish passage requirements, where other approved methods of empirical analysis are provided, or where the fish passage provisions of other special facilities are approved by the department.

(F) Culvert design shall include consideration of flood capacity for current conditions and future changes likely to be encountered within the stream channel, and debris and bedload passage.

(c) Culverts shall be installed according to an approved design to maintain structural integrity to the 100-year peak flow with consideration of the debris loading likely to be encountered. Exception may be granted if the applicant provides justification for a different level or a design that routes



that flow past the culvert without jeopardizing the culvert or associated fill.

(d) Disturbance of the bed and banks shall be limited to that necessary to place the culvert and any required channel modification associated with it. Affected bed and bank areas outside the culvert and associated fill shall be restored to pre-project configuration following installation of the culvert, and the banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(e) Fill associated with the culvert installation shall be protected from erosion to the 100-year peak flow.

(f) Culverts shall be designed and installed to avoid inlet scouring and shall be designed in a manner to prevent erosion of streambanks downstream of the project.

(g) Where fish passage criteria are required, the culvert facility shall be maintained by the owner(s), such that fish passage design criteria in Table 1 are not exceeded. If the structure becomes a hindrance to fish passage, the owner shall be responsible for obtaining a HPA and providing prompt repair.

(h) The culvert shall be installed in the dry or in isolation from the stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area. Exception may be granted if siltation or turbidity is reduced by installing the culvert in the flowing stream. The bypass reach shall be limited to the minimum distance necessary to complete the project. Fish stranded in the bypass reach shall be safely removed to the flowing stream.

(i) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-070, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-070, filed 4/13/83.]

#### **WAC 220-110-080 Channel change/realignment.**

Channel changes/realignments are generally discouraged, and shall only be approved where the applicant can demonstrate benefits or lack of adverse impact to fish life. Channel change/realignment projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to channel change and channel realignment projects:

When approved, a channel change may occur provided:

(1) Permanent new channels shall, at a minimum, be similar in length, width, depth, floodplain configuration, and gradient, as the old channel. The new channel shall incorporate fish habitat components, bed materials, meander configuration, and native or other approved vegetation equivalent to

or greater than that which previously existed in the old channel.

(2) During construction, the new channel shall be isolated from the flowing stream by plugs at the upstream and downstream ends of the new channel.

(3) Before water is diverted into a permanent new channel, the applicant shall complete the following actions:

(a) Approved fish habitat components, bed materials and bank protection to prevent erosion shall be in place.

(b) Approved fish habitat components shall be installed according to an approved design to withstand the 100-year peak flows.

(4) All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(5) Diversion of flow into a new channel shall be accomplished by: (a) First removing the downstream plug; (b) removing the upstream plug; and (c) closing the upstream end of the old channel.

(6) Filling of the old channel shall begin from the upstream closure and the fill material shall be compacted. Water discharging from the fill shall not adversely impact fish life.

(7) The angle of the structure used to divert the water into the new channel shall allow a smooth transition of water flow.

(8) If fish may be adversely impacted as a result of this project, the permittee will be required to capture and safely move food fish, game fish or other fish life (at the discretion of the department) to the nearest free-flowing water. The permittee may request the department to assist in capturing and safely moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-080, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-080, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-080, filed 4/13/83.]

**WAC 220-110-100 Conduit crossing.** Conduit crossing projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. An HPA is not required for conduit crossings attached to bridge structures. The following technical provisions shall apply to conduit crossing projects:

(1) Conduit alignment shall be as nearly perpendicular to the watercourse as possible.

(2) The conduit shall be installed at sufficient depth so that subsequent disturbance of the bed of the watercourse is avoided.

(3) If the method used is boring or jacking:

(a) Pits shall be isolated from surface water flow;

(b) Wastewater, from project activities and dewatering, shall be routed to an area outside the ordinary high water line to allow removal of fine sediment and other contaminants prior to being discharged to state waters.

(4) If the method used is trench excavation:

(a) Trenches shall be excavated in the dry or shall be isolated from the flowing watercourse by the installation of a cofferdam, culvert, flume, or other approved method;

(b) Plowing, placement, and covering shall occur in a single pass of the equipment;

(c) Disturbance of the bed as a result of the plowing operation shall be limited to the amount necessary to complete the project.

(5) Trenches shall be backfilled with approved materials and the bed shall be returned to preproject condition.

(6) Excess spoils shall be disposed of so as not to reenter the watercourse.

(7) The conduit approach trench shall be isolated from the watercourse until laying of the conduit across the watercourse takes place.

(8) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-100, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-100, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-100, filed 4/13/83.]

**WAC 220-110-120 Temporary bypass culvert, flume, or channel.** Temporary bypass culvert, flume, or channel projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to temporary bypass culvert, flume, or channel projects:

(1) The temporary bypass culvert, flume, or channel shall be in place prior to initiation of other work in the wetted perimeter.

(2) A sandbag revetment or similar device shall be installed at the inlet to divert the entire flow through the culvert, flume, or channel.

(3) A sandbag revetment or similar device shall be installed at the downstream end of the culvert, flume, or channel to prevent backwater from entering the work area.

(4) The culvert, flume, or channel shall be of sufficient size to pass flows and debris for the duration of the project.

(5) For diversion of flow into a temporary channel the relevant provisions of WAC 220-110-080 shall apply.

(6) Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

(2007 Ed.)

(7) Upon completion of the project, all material used in the temporary bypass shall be removed from the site and the site returned to preproject conditions.

(8) If fish may be adversely impacted as a result of this project, the permittee shall be required to capture and safely move game and food fish and other fish life, (at the discretion of the department), from the job site to the nearest free-flowing water. The permittee may request the department to assist in capturing and safely moving fish life from the job site to free-flowing water, and assistance may be granted if personnel are available.

(9) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-120, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-120, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-120, filed 4/13/83.]

#### **WAC 220-110-130 Dredging in freshwater areas.**

Dredging projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to dredging projects:

(1) Dredging shall not be conducted in fish spawning areas unless it is designed to create or improve the access or quality of fish spawning areas.

(2) During the dredging of a lake or pond, a boom or similar device may be required to contain floatable materials.

(3) Dredged bed materials shall be disposed of at approved in-water disposal sites or upland so as not to reenter state waters. The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or capping of contaminated sediments.

(4) Dredging shall be conducted with dredge types and methods that cause the least adverse impact to fish and shellfish and their habitat.

(5) If at any time, fish are observed in distress, a fish kill occurs, or water quality problems develop as a result of dredging, operations shall cease immediately and the department shall be immediately contacted.

(6) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(7) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged

material shall not be stockpiled waterward of the ordinary high water line.

(8) Upon completion of the dredging, the bed shall not contain pits, potholes, or large depressions to avoid stranding of fish.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-130, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-130, filed 4/13/83.]

**WAC 220-110-140 Gravel removal.** Gravel removal projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to gravel removal projects:

(1) Gravel removal from a watercourse shall be limited to removal from exposed bars and shall not result in a lowering, over time, of the average channel cross-section profile through the project area or downstream. Additional removal of bed material, including removal from wetted portions of the channel, may be authorized where the project is an integral part of a comprehensive flood control plan approved by the department.

(2) An "excavation line" shall be established. "Excavation line" means a line on the dry bed, at or parallel to the water's edge, the distance from the water's edge to be determined by the department on a site-specific basis. The excavation line may change with water level fluctuations.

(3) An "excavation zone" shall be defined as the area between the "excavation line" and the bank or the center of the bar. The "excavation zone" shall be identified by boundary markers placed by the applicant and approved by the department prior to the commencement of gravel removal.

(4) Excavation shall begin at the excavation line and proceed toward the bank or the center of the bar, perpendicular to the alignment of the watercourse.

(5) Bed material shall not be removed from the water side of the excavation line.

(6) Equipment shall not enter or operate within the wetted perimeter of the watercourse.

(7) Gravel may be removed within the excavation zone from a point beginning at the excavation line and progressing upward toward the bank or the center of the bar on a minimum two percent gradient. It may be necessary to survey the excavation zone upon completion of the gravel removal operation to ensure the two percent gradient is maintained and that no depressions exist. When required the survey shall be made at the applicant's expense.

(8) Preproject and postproject channel cross-section surveys shall be required for gravel removal projects for commercial purposes, and may be required as part of a comprehensive flood control plan approved by the department. The cross-sections shall be referenced vertically to a permanent bench mark and horizontally to a permanent base line, and shall be done perpendicular to the high flow channel every one hundred feet through the project area and at cross-sections upstream and downstream at adjacent channel riffles. The preproject survey information shall be submitted to the department at the time of application for HPA, and the post-project survey shall be submitted to the department within

ninety days of completion of removal of gravel or the expiration date of the HPA, whichever occurs first.

(9) At the end of each work day the excavation zone shall not contain pits, or potholes, or depressions that may trap fish as a result of fluctuation in water levels.

(10) Stockpiling of material waterward of the ordinary high water line, after the initial bed disturbance, shall be limited to avoid impacts to fish life. If stockpiling is approved waterward of the ordinary high water line, the material shall be completely removed prior to the onset of fish spawning in the vicinity or the typical onset of increasing stream flows. Timing restrictions shall be determined on a site-specific basis. If the water level rises and makes contact with stockpiles, further operation of equipment or removal of the stockpiles shall not proceed unless authorized under a separate HPA issued by the department.

(11) The upstream end of the gravel bar shall be left undisturbed to maintain watercourse stability waterward of the ordinary high water line.

(12) Large woody material shall be retained waterward of the ordinary high water line and repositioned within the watercourse. Other debris shall be disposed of so as not to reenter the watercourse.

(13) Gravel washing or crushing operations shall not take place waterward of the ordinary high water line.

(14) Alteration or disturbance of the banks and bank vegetation shall be limited to that necessary to access the excavation zone. All disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(15) Equipment shall be inspected, cleaned, and maintained to prevent loss of petroleum products waterward of the ordinary high water line.

(16) The department shall be notified at least five working days before the start of actual gravel removal, and upon project completion to allow for compliance inspection.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-140, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-140, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-140, filed 4/13/83.]

**WAC 220-110-150 Large woody material removal or repositioning.** Large woody material removal or repositioning projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to large woody material removal or repositioning:

(1) Large woody material removal from watercourses shall only be approved where necessary to address safety considerations, or its removal would not diminish the fish habitat quality of the watercourse. The department may approve the repositioning of large woody material within the

watercourse to protect life and property or as needed to conduct a hydraulic project. Repositioned large woody material shall be placed or anchored to provide stable, functional fish habitat.

(2) Large woody material removal shall be conducted by equipment stationed on the bank, bridge, or other approved structure.

(3) Unless otherwise authorized, large woody material shall be suspended during its removal so no portion of the large woody material or limbs can damage the bed or banks. Yarding corridors or full suspension shall be required to avoid damage to riparian vegetation. It may be necessary to cut the large woody material in place, to a size that allows suspension during removal.

(4) Where large woody material cannot be suspended above the bed and banks, skid logs or similar methods shall be used to avoid bank damage. Upon completion of the yarding operation, skid logs shall be removed in a manner that avoids damage to streambanks and vegetation, and the bank shall be restored to preproject condition.

(5) Smaller limb and bark debris associated with the large woody material shall be removed and disposed of so as not to reenter the watercourse.

(6) Large woody material embedded in a bank or bed shall be left undisturbed and intact except where authorized for removal.

(7) Large woody material removal or repositioning shall be accomplished in a manner which minimizes the release of bedload, logs, or debris downstream.

(8) Depressions created in gravel bars shall be filled, smoothed over, and sloped upwards toward the bank on a minimum two percent gradient.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-150, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-150, filed 4/13/83.]

#### **WAC 220-110-160 Felling and yarding of timber.**

The following technical provisions shall apply to any felling and yarding of timber for which an HPA is required (see WAC 220-110-020). Timber felling and yarding projects requiring an HPA shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

(1) Trees shall not be felled into or across a watercourse, with identifiable bed or banks, except where authorized in special provisions of an HPA.

(2) Trees or logs which enter a watercourse, with identifiable bed or banks, during felling or yarding shall remain where they enter unless parts or all of the trees or logs are specifically authorized to be removed.

(3) Logs transported across a watercourse, with identifiable bed or banks, shall be suspended so no portion of the logs or limbs can enter the watercourse or damage the bed and banks. Yarding corridors or full suspension shall be required to prevent damage to riparian vegetation.

(4) Cable tailholds may be placed over watercourses, with identifiable bed or banks, provided the number of yarding roads is kept to a minimum. When changing roads, the cable shall be moved around or over the riparian vegetation to avoid damage to the vegetation.

(2007 Ed.)

(5) If limbs or other small debris enter the watercourse, with identifiable bed or banks, as a result of felling and yarding of timber, they shall be removed concurrently with each change in yarding road or within seventy-two hours after entry into the watercourse and placed outside the 50-year flood plain. Limbs or other small debris shall be removed from dry watercourses prior to the normal onset of high flows. Large woody material which was in place prior to felling and yarding of timber shall not be disturbed.

(6) Precautions shall be taken to minimize the release of sediment to waters downstream from the felling or yarding activity. Sediment control devices, including, but not limited to, straw bales and filter fabric check dams, shall be used as necessary to avoid the release of sediment downstream. Accumulated sediment shall be removed from above check dams prior to their removal. The requirement to provide sediment control may be waived where adequate protection is provided through seasonal restriction of operations.

(7) There shall be no skidding or ground lead yarding or equipment operation within flowing waters in channels with defined bed or banks.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-160, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-160, filed 4/13/83.]

**WAC 220-110-170 Outfall structures.** Outfall structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to outfall structure projects:

(1) The outfall structure shall be constructed according to an approved design to prevent the entry of fish, except where fish passage could enhance fish life or habitat.

(2) The watercourse bank and bed at the point of discharge shall be armored to prevent scouring.

(3) Excavation for placement of the structure or armor-ing materials shall be isolated from the wetted perimeter.

(4) Alteration or disturbance of banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion within seven days of completion of the project using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(5) Structures containing concrete shall be sufficiently cured prior to contact with water, to avoid leaching.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

[Statutory Authority: RCW 77.12.047, 05-14-001 (Order 05-131), § 220-110-170, filed 6/22/05, effective 7/23/05. Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-170, filed 11/14/94, effective 12/15/94.]

tive 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-170, filed 4/13/83.]

**WAC 220-110-180 Pond construction.** Pond construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to pond construction projects connected to a watercourse:

(1) Ponds shall not be constructed within the watercourse.

(2) Ponds shall be designed, constructed, and screened to prevent the entry of fish unless the pond will provide beneficial habitat, as determined by the department, in which case free and unrestricted access shall be provided.

(3) Pond return flow shall be located to minimize the length of the bypass reach unless the bypass reach is intended to enhance fish life or habitat.

(4) Pond construction activities involving diversion of state waters shall be dependent upon first obtaining a water right. This requirement does not apply to construction of storm water pond facilities landward of the ordinary high water line.

(5) The work area shall be isolated from the watercourse during construction of the pond, the diversion system, and the return flow system.

(6) Prior to the initial filling, all disturbed areas shall be protected from erosion, within seven days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(7) Ponds shall be designed and constructed so the outflow temperature is not harmful to fish life.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-180, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-180, filed 4/13/83.]

**WAC 220-110-190 Water diversions.** A written HPA is not required for emergency water diversions during emergency fire response. The department shall be notified prior to the diversion, when possible. When prior notification is not possible, the department shall be notified within twenty-four hours of the diversion. The hydraulic code cannot be used to limit the amount or timing of water diverted under a water right. However, construction of structures or placement of devices or other work within waters of the state which will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, or that will utilize any of the waters of the state in order to divert water pursuant to a water right, requires an HPA. Regulation of water flow from a permanent irrigation structure by operating valves, or manipulating stop logs, check boards or head boards, does

not require an HPA. Any hydraulic project activity related to a change in the manner or location of water diversion will require an HPA modification.

Persons who have gravel berm dams as the method of diversion permitted by the department prior to January 1994 shall be allowed to continue to do so consistent with the provisions of an HPA. The department can, however, condition the approval of gravel berms.

Construction or maintenance of fish screens or guards requiring use of equipment requires a written HPA. Installation of suction hoses or cleaning, adjusting, operating, and maintaining existing irrigation or stock water diversion structures including intakes or screens without the use of equipment, may be accomplished without first securing a written HPA. For these activities, compliance with the provisions of the latest edition of the Irrigation and Fish pamphlet issued by the department is required. The pamphlet shall be on-site and serve as the HPA. If a fish kill occurs or fish are observed in distress, the project activity shall cease and the department shall be notified immediately.

The following technical provisions shall apply to water diversions:

(1) Gravel berm dams shall be constructed of gravels available on site waterward of the ordinary high water line, or of clean round gravel transported to the site. Bed disturbance shall be limited to the minimum necessary to achieve the provisions of the water right. No dirt from outside the ordinary high water line shall be used to seal the dam and no logs or woody material waterward of the ordinary high water line may be utilized for construction of the dam, unless specifically authorized.

(2) Logs and large woody material may be relocated waterward of the ordinary high water line, if they block water flow into the ditch or inhibit construction.

(3) As long as the applicant or permittee can divert enough water to satisfy the water right, the diversion dam shall be constructed so that it does not hinder upstream and downstream adult and juvenile fish passage. If passage problems develop, department personnel may, after consultation, require modification of the gravel berm dam.

(4) At pump stations, screens and headgate areas, a backhoe or suction dredge may be used to remove accumulated silts and gravel from the pumping sump. Material removed shall be placed so it will not reenter state waters.

(5) Any device used for diverting water from a fish bearing watercourse shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 75.20.040 and 77.16.220.

(6) Diversion canals shall be maintained (sediment and debris removal) to provide maximum hydraulic gradient in the diversion canal in order to minimize the need for work within the natural watercourse.

(7) The exercise of project activity associated with diversion of state waters shall be dependent upon first obtaining a water right.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-190, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-190, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-190, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-190, filed 4/13/83.]

**WAC 220-110-200 Mineral prospecting technical provisions.** WAC 220-110-201 through 220-110-205 set forth technical provisions that shall apply to mineral prospecting and placer mining projects as necessary to protect fish life. Additional special provisions may be included in written HPAs as necessary to address site-specific conditions. Written HPAs shall also have specific time limitations on project activities to protect fish life. Timing limitations for projects conducted under authority of the *Gold and Fish* pamphlet are found in WAC 220-110-206 through 220-110-209. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable in written HPAs.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-200, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-200, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-200, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-200, filed 4/13/83.]

**WAC 220-110-201 Common mineral prospecting technical provisions.** A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all mineral prospecting and placer mining projects.

(1) Excavation, collection and processing of aggregate from the bed shall comply with the timing and location restrictions specified in WAC 220-110-206 through 220-110-209. Excavation, collection and processing of aggregate within the wetted perimeter shall only occur between 5:00 a.m. and 11:00 p.m.

(2) Excavation sites shall be separated by at least two hundred feet.

(3) There shall be no excavation, collection or processing of aggregate within four hundred feet of any fishway, dam or hatchery water intake.

(4) Except as specified in WAC 220-110-203, aggregate collected from outside the bed shall not be washed, sluiced, processed or deposited within two hundred feet landward of the ordinary high water line.

(5) A maximum of five individuals eight years of age and over may collect and process aggregate from any excavation site. No more than one pit, furrow or pothole at a time shall be excavated by any one individual.

(6) Excavations shall not occur between the ordinary high water line and two hundred feet landward of the ordinary high water line. Excavations between the ordinary high water line and the toe of the bank shall not result in undercutting below the ordinary high water line or in disturbance of land surfaces above the ordinary high water line.

(7) There shall be no disturbance of live rooted vegetation of any kind. Woody debris jams and large woody material shall not be disturbed in any manner.

(8) With the exception of aggregate excavated by a suction dredge, all excavations of aggregate shall only be performed by hand or with hand-held tools. A maximum of one hand-operated cable, chain or rope winch may be used to move bed material below the ordinary high water line. Additional safety cables, chains or ropes may be attached to this material provided they do not offer a mechanical advantage and are used solely to hold material in place. The use of horses, other livestock or motorized mineral prospecting equipment, except those specifically authorized under WAC 220-110-203 through 220-110-205, is prohibited. Materials too large to be moved with a single hand-operated cable, chain or rope winch shall not be disturbed.

(9) Boulders may be moved only to facilitate collection of aggregate underneath them. Boulders shall be immediately replaced in their original location prior to working another excavation site or leaving the excavation site. Not working the excavation site for more than sixteen hours constitutes leaving the site.

(10) Only equipment, methods, locations and timing for processing aggregate specified in WAC 220-110-201 through 220-110-209 are authorized. Exceptions shall require additional authorization from the department in the form of a supplemental approval to the *Gold and Fish* pamphlet or a written HPA. A written HPA shall be required for exceptions in cases where "submit application" or "closed" is listed for state waters in WAC 220-110-206 through 220-110-209. Only the following exceptions may be authorized through a supplemental approval to the *Gold and Fish* pamphlet:

(a) Timing and location only for Class I and Class II mineral prospecting equipment.

(b) Location only for Class III mineral prospecting equipment.

(11) With the exception of sieves for classifying aggregate, mineral prospecting equipment shall not be combined in series, joined or ganged with additional mineral prospecting equipment to increase the riffle area or efficiency of mineral recovery of a single piece of mineral prospecting equipment.

(12) There shall be no damming or diversion of the flowing stream except as provided in WAC 220-110-203 (4)(d).

(13) Prior to working another excavation site or leaving the excavation site, tailings of aggregate collected from below the ordinary high water line shall be returned to the location from which the aggregate was originally collected. Sand and lighter material washed away by the streamflow during aggregate processing and tailings resulting from suction dredging may be left where processed.

(14) Except as required in subsection (13) of this section, tailings shall not be deposited in existing pools.

(15) Incubating fish eggs or fry shall not be disturbed. If fish eggs or fry are encountered during excavation of the bed, operations shall immediately cease and the department shall be notified immediately. No further excavations shall occur until all eggs and fry have emerged from the gravel. Further approval shall be required by the department prior to resuming mineral prospecting or placer mining activities in that stream.

(16) Beds containing live freshwater mussels shall not be disturbed. If live mussels are encountered during excavation

of the bed, operations shall immediately cease and shall be relocated a minimum of two hundred feet from them.

(17) All pits, furrows, tailing piles, and potholes created during excavation or processing of aggregate shall be leveled or refilled with bed materials or tailings prior to working another excavation site or leaving the excavation site. Not working the excavation site for more than sixteen hours constitutes leaving the site. No more than one pit, furrow or pothole at a time shall be excavated.

(18) Fish entrapped within pits, furrows or potholes created during excavation or processing of aggregate shall immediately be safely collected and returned to flowing waters and the pits, furrows or potholes leveled or filled.

(19) At no time shall mining or prospecting activity create a blockage or hindrance to either the upstream or downstream passage of fish.

(20) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. Work shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(21) No motorized, tracked, or wheeled vehicles shall be:

(a) Operated or allowed below the ordinary high water line of the stream; or

(b) Be operated so as to affect the bed or flow of waters of the state in any way.

(22) Entry onto private property or removal of minerals from an existing mining claim or state-owned lands without the permission of the landowner or claim holder is not authorized. The permittee is responsible for determining land ownership, land status (i.e., open to entry under the mining laws) and the status and ownership of any mining claims.

(23) Mercury and other hazardous materials shall not be used on the job site for amalgamating minerals.

(24) Mercury, lead and other hazardous materials removed from aggregate or collected in concentrators during processing of aggregate shall not be returned to waters of the state and shall be disposed of as specified by the department of ecology. Contact the department of ecology for direction on disposal.

(25) Once mining or prospecting at a job site is completed, or mining or prospecting is not conducted at the job site for more than one week, the job site shall be restored to preproject conditions, all disturbed areas shall be protected from erosion and revegetated with native plants, and all pits, furrows, tailing piles, and potholes shall be leveled or refilled as required in subsection (17) of this section.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-201, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-202 Use of Class 0 mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department contains the rules which shall be followed when using Class 0 mineral prospecting equipment. A copy of the current *Gold and Fish* pamphlet shall be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and

shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class 0 mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-209 shall apply to all mineral prospecting and placer mining projects conducted with Class 0 equipment.

(2) The use of a single hand-operated nonmotorized pan is authorized.

(3) Collection and processing of aggregate shall be limited to that portion of the bed above the wetted perimeter.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-202, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-203 Use of Class I mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department contains the rules which shall be followed when using Class I mineral prospecting equipment. A copy of the current *Gold and Fish* pamphlet shall be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class I mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-206 through 220-110-207 shall apply to all mineral prospecting and placer mining projects conducted with Class I equipment.

(2) The use of only Class I mineral prospecting equipment is authorized. In addition to the use of one hand-held pan, no more than one other piece of mineral prospecting equipment shall be operated by an individual at any one time and location.

(3) There shall be no hydraulic mining.

(4) The following shall also apply to all mineral prospecting and placer mining projects conducted with Class I equipment during the general or specific tributary seasons as specified in WAC 220-110-206 and 220-110-207:

(a) Collection of aggregate shall be limited to the bed, or to two hundred feet or greater landward of the ordinary high water line.

(b) Aggregate may be processed either on or above the bed: Provided, That within two hundred feet landward of the ordinary high water line:

(i) Any water used shall be fully contained in pans, buckets or similar vessels.

(ii) Wastewater resulting from processing of aggregate shall be discharged two hundred feet or greater landward of the ordinary high water line.

(iii) Settleable solids shall be removed from wastewater. Sediments resulting from collection or processing of aggregate shall be deposited so they will not enter waters of the state.

(c) Class I mineral prospecting equipment shall only be supplied with water flowing naturally in the stream, or with water collected with and contained in hand-carried buckets or pans.

(d) There shall be no damming or diversion of the flowing stream beyond that necessary to direct water into a Class I sluice box as described in (c) of this subsection, and in no case shall greater than fifty percent of the width of the wetted perimeter of the stream be dammed or diverted. In no case shall the stream be directed outside of the existing wetted perimeter. The site of the dam or diversion shall be restored to its original condition prior to working another site or leaving the site.

(5) The following shall also apply to all mineral prospecting and placer mining projects conducted with Class I equipment during the special Class I season as specified in WAC 220-110-207:

(a) Collection of aggregate shall be limited to that portion of the bed above the wetted perimeter, or to two hundred feet or greater landward of the ordinary high water line.

(b) Aggregate shall be processed above the wetted perimeter: Provided, That within two hundred feet landward of the ordinary high water line:

(i) Any water used shall be fully contained in pans, buckets or similar vessels.

(ii) Wastewater resulting from processing of aggregate shall be discharged two hundred feet or greater landward of the ordinary high water line.

(iii) Settlable solids shall be removed from wastewater. Sediments resulting from collection or processing of aggregate shall be deposited so they will not enter waters of the state.

(c) Equipment shall only be supplied with water collected with and contained in hand-carried buckets or pans.

(d) There shall be no damming or diversion of the flowing stream.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-203, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-204 Use of Class II mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class II mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-206 through 220-110-207 shall apply to all mineral prospecting and placer mining projects conducted with Class II equipment.

(2) With the exception of the use of one hand-held pan, the use of only Class II mineral prospecting equipment is authorized. In addition to the use of a hand-held pan, no more than one piece of mineral prospecting equipment shall be operated by an individual at any one time and location.

(2007 Ed.)

(3) Only one piece of Class II equipment shall be operated at any time at any excavation site.

(4) Collection of aggregate shall be limited to the bed.

(5) A nozzle greater than four inches inside diameter shall be used on a suction dredge only if a reducer or smaller diameter hose is attached to restrict the inside diameter to four inches or less.

(6) Any device used for diverting or pumping water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 75.20.040 and 77.16.220. To prevent fish from entering the system the pump intake shall be screened with either:

(a) 0.06 inch (eighteen gauge) woven wire mesh with openings no greater than 0.087 inches; or

(b) Perforated plate with openings no greater than 0.094 inch (3/32 inch); or

(c) Profile bar with openings no greater than 1.75 millimeter (0.069 inch).

The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than four-tenths feet per second, but in no case shall the surface area be less than one square foot. Screens shall be maintained to prevent injury or entrapment to juvenile fish and screens shall remain in place whenever water is withdrawn from the stream through the pump intake.

(7) There shall be no hydraulic mining outside of the wetted perimeter. Hydraulic mining may be conducted only for redistribution of tailings within the bed to level or fill pits, potholes or furrows, and the nozzle or jet shall be submerged at all times.

(8) Petroleum products or other harmful materials shall not enter waters of the state. Equipment shall be well maintained and inspected frequently to prevent fuel and fluid leaks.

(9) Water shall be pumped only from a water body to a suction dredge operated within the wetted perimeter or to a highbanker located below the ordinary high water line.

[Statutory Authority: RCW 75.20.330. 99-10-048 (Order 99-57), § 220-110-204, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-204, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-205 Use of Class III mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class III mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-208 shall apply to all mineral prospecting projects conducted with Class III equipment.

(2) With the exception of the use of one hand-held pan, the use of only Class III mineral prospecting equipment is authorized. In addition to the use of a hand-held pan, no more

[Title 220 WAC—p. 199]



than one piece of mineral prospecting equipment shall be operated by an individual at any one time and location.

(3) Aggregate shall be collected and processed two hundred feet or greater landward of the ordinary high water line.

(4) There shall be no motorized movement of bed materials.

(5) The pump intake shall be placed in the water without moving or relocating any material in or on the bed or banks.

(6) Any device used for diverting or pumping water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 75.20.040 and 77.16.220. To prevent fish from entering the system the pump intake shall be screened with either:

(a) 0.06 inch (eighteen gauge) woven wire mesh with openings no greater than 0.087 inches; or

(b) Perforated plate with openings no greater than 0.094 inch (3/32 inch); or

(c) Profile bar with openings no greater than 1.75 millimeter (0.069 inch).

The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than four-tenths feet per second, but in no case shall the surface area be less than one square foot. Screens shall be maintained to prevent injury or entrapment to juvenile fish and screens shall remain in place whenever water is withdrawn from the stream through the pump intake.

(7) Petroleum products or other harmful materials shall not enter waters of the state. Equipment shall be well maintained and inspected frequently to prevent fuel and fluid leaks.

(8) There shall be no hydraulicing.

(9) Settleable solids shall be removed from wastewater prior to the water reentering waters of the state. Sediments resulting from collection or processing of aggregate shall be deposited so they will not enter waters of the state.

[Statutory Authority: RCW 75.20.330, 99-10-048 (Order 99-57), § 220-110-205, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330, 99-01-088 (Order 98-252), § 220-110-205, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-206 Authorized work times and watercourses for mineral prospecting and placer mining projects by specific watercourse, except the Columbia and Snake rivers, lakes, salt waters and waters within**

**National Park boundaries using Class I and II equipment.**

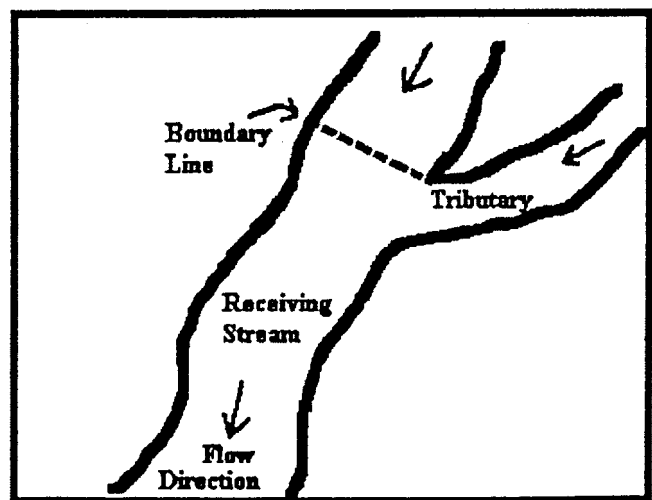
Mineral prospecting and placer mining using Class I and II equipment pursuant to WAC 220-110-203 and 220-110-204 shall only occur in watercourses and times specified in the following table:

(1) The general work time for a county applies to all streams within that county, unless otherwise indicated under specific stream and tributary work times.

(2) The work time for a listed stream applies to all its tributaries, unless otherwise indicated. Some streams flow through multiple counties. Check the listing for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that stream.

(3) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. (See Figure 1)

Figure 1. Stream boundary line



(4) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in state waters listed as "submit application" or "closed" is not authorized under the *Gold and Fish* pamphlet. Site review and a written HPA is required for these state waters.

**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING USING CLASS I AND II EQUIPMENT**

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
Adams	July 1 - October 31	Esquatzel Creek	July 1 - September 30
		Palouse River	June 15 - October 15
Asotin	July 1 - October 31	Asotin Creek	July 15 - August 15
		Grande Ronde River	July 15 - August 15
Benton	June 1 - September 30	Yakima River tributaries	July 1 - September 30
		—Corral Creek	July 15 - September 30
		—Spring Creek	July 15 - September 30
Chelan	July 1 - August 15	Beaver Creek	July 1 - October 31
		Colockum Creek	July 1 - October 31
		Peshastin Creek	July 1 - October 31
		—mouth to Negro Creek	July 1 - August 15

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
Clallam	July 15 - September 30	—above Negro Creek	July 1 - October 31
		Squilchuck Creek	July 1 - October 31
		Stemilt Creek	
		—mouth to falls	July 1 - October 31
		Wenatchee River	
		—mouth to lake	July 1 - September 30
		Bogachiel River	July 15 - August 15
		Calawah River	July 15 - August 15
		Clallum River	July 15 - September 15
		Dungeness River	submit application
		Elwha	
		—mouth to lower dam	July 1 - August 15
		Hoko River	July 15 - September 15
		Jimmycomelately Creek	submit application
		Lyre River	July 15 - September 15
		McDonald Creek	July 1 - August 15
		Morse Creek	July 1 - August 15
		Pysht River	July 15 - September 15
		Sekiu River	July 15 - September 15
		Sol Duc River	July 15 - August 15
		Sooes River	July 15 - September 15
Clark	July 1 - September 30	Lewis River	
		—mouth to forks	June 1 - October 31
		—East Fork Lewis River	
		—mouth to LaCenter road bridge	July 1 - October 31
		—above LaCenter & all tributaries	submit application
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1 - August 31
		—Cedar Creek	August 1 - September 30
		—Merwin Dam to Swift Dam	July 1 - July 31
		Lake River	June 1 - October 31
Columbia	July 15 - October 31	Washougal River	August 1 - August 31
		Tucannon River	July 15 - August 15
Cowlitz	July 1 - September 30	Touchet River	July 15 - August 15
		Cowlitz River	August 1 - August 31
		—Coweeman River	August 1 - September 30
		—Toutle River	submit application
		Kalama River	August 1 - August 31
		Lewis River	
		—mouth to forks	June 1 - October 31
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1 - August 31
		—Merwin Dam to Lower Falls	July 1 - July 31
		—above Lower Falls	July 1 - October 31
Douglas	July 1 - October 31	None	
Ferry	July 1 - August 31	None	
Franklin	June 1 - September 30	Palouse River	
		—above falls	June 15 - October 15
Garfield	July 15 - October 31	Asotin Creek	July 15 - August 15
		Tucannon River	July 15 - August 15
Grant	July 1 - October 31	None	
Grays Harbor	July 15 - October 31	Cedar Creek	July 15 - September 30
		Chehalis River	
		—mouth to Porter Creek	June 1 - October 31
		—above Porter Creek	July 15 - September 30

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		Cloquallum River	July 15 - September 30
		Copalis River	July 15 - October 15
		Elk River	July 15 - September 30
		Hoquiam River	July 15 - October 15
		Humptulips River	July 15 - October 15
		Johns River	July 15 - September 30
		Moclips River	July 15 - October 15
		North River	July 15 - September 15
		Porter Creek	July 15 - September 30
		Quinault River	July 15 - August 31
		Satsop River	July 15 - August 31
		Wishkah River	July 15 - October 15
		Wynoochee River	July 15 - October 15
Island	June 15 - September 15	None	
Jefferson	July 15 - October 31	Big Quilcene River	July 15 - August 31
		Bogachiel River	July 15 - August 15
		Chimacum Creek	July 15 - August 31
		Clearwater River	July 15 - September 15
		Donovan Creek	July 15 - September 30
		Dosewallips River	July 15 - August 31
		Duckabush River	July 15 - August 31
		Dungeness River tributaries	submit application
		Hoh River	July 15 - August 15
		Little Quilcene River	July 15 - August 31
		Matheny Creek	July 15 - September 15
		Queets River	July 15 - September 15
		Quinault River	July 15 - August 15
		Salmon Creek	submit application
King	July 1 - September 30	Sams River	July 15 - September 15
		Snow Creek	submit application
		Green River (Duwamish)	August 1 - August 31
		Greenwater River	July 15 - August 31
		Lake Washington tributaries including Cedar and Sammamish rivers	July 1 - August 31
		—Issaquah Creek	June 15 - July 31
		Snoqualmie River	
		—mouth to Snoqualmie Falls	July 1 - September 15
		—Snoqualmie Falls to mouth of South Fork Snoqualmie River	June 15 - October 31
		—North, Middle and South Fork Snoqualmie rivers and tributaries	July 15 - October 31
		—Tolt River	
		——mouth to forks	July 15 - October 31
		——North Fork	
		——mouth to Yellow Creek	July 15 - September 15
Kittitas	June 1 - September 30	——above Yellow Creek	July 15 - October 31
		——mouth to dam	July 15 - September 15
		——above dam	July 15 - October 31
		White River	July 15 - August 31
		Colockum Creek	July 1 - October 31
		Yakima River	
		—above Roza Dam	submit application
		—Gold Creek (Lake Keechelus)	July 1 - July 31
		—Kachess River	
		——above Lake Kachess	July 1 - July 31

# Hydraulic Code Rules

220-110-206

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
Kitsap	July 15 - October 31	—Box Canyon Creek (Lake Kachess)	July 1 - July 31
		—Little Naches River	July 15 - August 15
		—Wenas Creek	August 1 - October 31
		—other Yakima River tributaries	July 15 - August 31
Klickitat	July 1 - September 30	Seabeck Creek	July 15 - August 31
		Gorst Creek	July 15 - August 31
Klickitat	July 1 - September 30	Klickitat River	July 1 - August 15
		White Salmon River	July 1 - August 15
Lewis	July 1 - September 30	Chehalis River	
		—upstream of South Fork	
		Chehalis River confluence	July 1 - August 31
		Cispus River	
		—mouth to Walupt Creek	August 1 - August 31
		—above Walupt Creek	submit application
		—McCoy Creek	August 1 - September 30
		Connelly Creek	August 1 - September 30
		Cowlitz River	August 1 - August 31
		Newaukum River	July 1 - August 31
		Nisqually River	
		—above Alder Lake	July 1 - September 30
		Skookumchuck River	July 1 - August 31
		Tilton River	August 1 - September 30
		Toutle River	
Lincoln	June 15 - October 15	—tributaries	submit application
		Walupt Creek	submit application
		Packwood Lake tributaries	submit application
		None	
Mason	July 15 - October 31	Cloquallum Creek	July 15 - September 30
		Coulter Creek	July 15 - September 15
		Hamma Hamma River	
		—mouth to falls	July 15 - August 31
		—John Creek	July 15 - August 31
		Johns Creek	July 15 - August 31
		Lilliwaup River	
		—below falls	July 15 - August 31
		—above falls	July 1 - October 31
		Mill Creek	July 15 - October 15
		Satsop River	July 15 - August 31
		Schaerer Creek	July 15 - August 31
		Sherwood Creek	July 15 - September 15
		Skokomish River	July 15 - September 15
		Tahuya River	July 15 - September 15
Okanogan	July 1 - August 15	Twano Creek	June 1 - October 31
		Union River	June 1 - September 15
		Aneas Creek	
		—mouth to falls	July 1 - October 31
		Chewiliken Creek	
		—mouth to falls	July 1 - October 31
		Chiliwist Creek	
		—mouth to falls	July 1 - October 31
		Methow River	
		—mouth to Carleton	July 1 - September 30
		Mosquito Creek	July 1 - October 31
		Nine Mile Creek	July 1 - October 31
		Omak Creek	
		—mouth to falls	July 1 - October 31

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
Pacific	July 15 - September 30	Similkameen River	
		—mainstem	July 1 - September 30
		—all Similkameen River tributaries	July 1 - August 15
		Tunk Creek	
		—mouth to falls	July 1 - October 31
Pend Oreille	July 1 - August 31	Chehalis River	July 1 - August 31
		Chinook River	August 1 - August 31
		Grays River	August 1 - September 30
		North River	July 15 - September 15
		Big Muddy Creek	June 1 - August 31
Pierce	July 15 - August 31	Bracket Creek	June 1 - August 31
		Calispel Creek	
		—mouth to Calispel Lake	June 1 - August 31
		Exposure Creek	June 1 - August 31
		Kent Creek	June 1 - August 31
		Lime Creek	June 1 - August 31
		Little Spokane River	June 15 - August 31
		Lodge Creek	June 1 - August 31
		Marshall Creek	June 1 - August 31
		Pee Wee Creek	
		—above falls	June 1 - October 31
		Renshaw Creek	June 1 - August 31
		Nisqually River	
		—mouth to Alder Lake	July 1 - August 31
		—tributaries below Alder Lake	submit application
		—above Alder Lake & tributaries	July 15 - September 15
		Carbon River	July 15 - August 31
		—South Prairie Creek	
		—mouth to Forest Service road #7710	July 15 - September 15
		—above Forest Service road #7710	July 1 - October 31
San Juan	June 1 - August 31	—Voights Creek	
		—mouth to falls	July 15 - September 15
		—above falls	July 15 - October 31
		—Wilkeson Creek	
		—mouth to Snell Lake	July 1 - September 30
		—above Snell Lake	July 1 - October 31
		Rocky Creek	July 15 - September 30
		None	
Skagit	July 1 - September 30	Baker River	
		—mouth to dam	June 15 - August 31
		Cascade River	June 15 - July 15
		Illabot Creek	June 15 - July 31
		Samish River	submit application
		Skagit River	
		—mouth to Sauk River	June 15 - August 31
		—above Sauk River	June 15 - July 31
		—Sauk River	July 15 - August 15
		—Suiattle River	July 15 - August 15
Skamania	July 1 - September 30	Nooksack River	submit application
		Cispus River	August 1 - August 31
		Lewis River	
		—East Fork Lewis River	submit application
		—North Fork Lewis River	
		—Cougar Creek	June 1 - July 31
		—Merwin Dam to Lower Falls & tributaries	July 1 - July 31

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
Snohomish	July 1 - September 30	—above Lower Falls	July 1 - October 31
		Little White Salmon River	July 1 - August 31
		McCoy Creek	August 1 - September 30
		Washougal River	August 1 - August 31
		White Salmon River	July 1 - August 31
		Wind River	August 1 - August 15
		Lake Washington tributaries	July 1 - August 31
		Sauk River	July 15 - August 15
		—Suiattle River	July 15 - August 15
		Snohomish River	
		—mouth to Highway 9	June 1 - October 31
		—above Highway 9	July 1 - August 31
		—Pilchuck River	July 1 - August 31
		—mouth to city of Snohomish diver- sions dam	July 1 - August 31
		—above city of Snohomish diversion dam	July 1 - September 15
		—Skykomish River	
		—mouth to forks	July 1 - August 31
		—North Fork Skykomish River	
		—mouth to San Juan campground	July 1 - August 31
		—San Juan campground to Deer Falls	submit application
		—above Deer Falls	July 15 - October 31
		—Salmon Creek	submit application
		—South Fork Skykomish River	
		—mouth to Sunset Falls	July 1 - August 31
		—Sunset Falls to Alpine Falls	July 1 - September 15
		—above Alpine Falls	July 15 - October 31
		—Beckler River	
		—mouth to Boulder Creek	July 1 - September 15
		—above Boulder Creek	July 15 - October 31
		—Rapid River	
		—mouth to Meadow Creek	July 15 - September 15
		—above Meadow Creek	July 15 - October 31
		—Foss River	
		—mouth to forks	July 15 - September 15
		—East Fork Foss River	submit application
		—West Fork Foss River	July 15 - October 31
		—Miller River	
		—mouth to forks	July 1 - September 15
		—above forks	July 1 - October 31
		—Olney Creek	
		—mouth to Olney Falls	July 1 - September 15
		—above Olney Falls	July 1 - October 31
		—Sultan River	
		—mouth to old diversion dam	July 1 - August 31
		—old diversion dam to Culmback Dam	July 1 - October 31
		—tributaries above Culmback Dam	August 1 - October 31
		—Wallace River	
		—mouth to Wallace Falls	July 1 - September 1
		—above Wallace Falls	July 1 - October 31
		—Snoqualmie River	July 1 - August 31
		—all other Snohomish River tributaries	July 1 - August 31
		Stillaguamish River	
		—mouth to forks	July 1 - August 31
		—North and South Fork Stillaguamish Rivers	July 1 - August 15
		—Deer Creek	submit application

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		—Canyon Creek	submit application
Spokane	June 15 - August 31	Latah Creek	
		—mainstem	June 15 - October 31
		—all Latah Creek tributaries	June 15 - August 31
Stevens	July 1 - August 31	Big Sheep Creek	
		—mouth to Sheep Creek Falls	submit application
		—above Sheep Creek Falls	July 1 - August 31
Thurston	July 15 - September 15	Cedar Creek	July 15 - September 30
		Little Deschutes River	July 15 - October 31
		McLane Creek	July 15 - October 31
		Nisqually River	
		—mainstem	July 1 - August 31
		—all Nisqually River tributaries	submit application
		Porter Creek	July 15 - September 30
		Schneider Creek	July 1 - October 31
		Skookumchuck River	July 1 - August 31
		Woodard Creek	July 1 - October 31
		Woodland Creek	July 1 - October 31
Wahkiakum	July 15 - September 15	Elochoman River	August 1 - September 30
		Grays River	August 1 - September 30
		Naselle River	July 15 - September 30
Walla Walla	July 15 - October 31	Touchet River	July 15 - August 15
		Walla Walla River	July 15 - August 15
Whatcom	July 1 - September 30	Baker River	submit application
		Nooksack River	
		—above forks	submit application
		—all Nooksack River tributaries	submit application
		Ross Lake tributaries	submit application
		Samish River	submit application
		Skagit River	June 15 - July 31
Whitman	June 15 - October 15	Palouse River	
		—mouth to falls	June 1 - September 30
Yakima	June 1 - September 30	Klickitat River	July 1 - August 15
		Yakima River	
		—mouth to Roza Dam	June 1 - September 15
		—Naches River	
		—mouth to Tieton River	June 1 - October 31
		—above confluence of Tieton River	June 1 - August 15
		—Indian Creek (Rimrock Lake)	July 1 - July 31
		—Tieton River	June 1 - August 15
		—Little Naches River	July 15 - August 15
		—Bumping River	July 15 - August 15
		—American River	submit application
		—Rattlesnake Creek	July 15 - August 15
		—Wenas Creek	August 1 - October 31
		—all other Yakima River tributaries	July 15 - August 31

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-206, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-207 Authorized work times and watercourses for mineral prospecting and placer mining projects in the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment.** Mineral prospecting and placer mining using Class I and II equipment pursuant to WAC 220-110-203 and 220-110-204 shall only occur in watercourses and times specified in the following table:

(1) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream and which is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. (See Figure 1, WAC 220-110-206.)

(2) The general and special Class I work times apply only to the watercourses listed. See WAC 220-110-206 for

work times and locations for tributaries to the listed watercourses.

(3) Use of Class I equipment only is authorized for the special Class I work times.

(4) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in state waters listed as "submit application" or "closed" is not authorized under the *Gold and Fish* pamphlet. Site review and a written HPA is required for these state waters.

**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING  
USING CLASS I AND II EQUIPMENT**

WATERCOURSE	GENERAL WORK TIME	SPECIAL CLASS I WORK TIME
Columbia River		
—mouth to Snake River	submit application	June 1 - October 31
—Snake River to Priest Rapids Dam	August 1 - August 31	June 1 - August 1
—Priest Rapids Dam to Wenatchee River	October 16 - October 31	June 1 - October 16
—above Wenatchee River	September 1 - October 31	June 1 - September 1
Snake River	August 1 - August 31	June 1 - August 1
Lakes	closed	closed
—Columbia River reservoirs	see Columbia River above	see Columbia River above
—Snake River reservoirs	see Snake River above	see Snake River above
Salt waters	closed	closed
All watercourses, including tributaries, within National Park boundaries	closed	closed

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-207, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-208 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class III equipment only.** Mineral prospecting and placer mining using Class III equipment pursuant to WAC 220-110-205 shall only occur in watercourses and times specified in the following table:

(1) The work times apply to all watercourses listed and their tributaries.

(2) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in streams listed as "closed" is not authorized.

**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING  
AND PLACER MINING USING CLASS III EQUIPMENT**

WATERCOURSE	WORK TIME
All watercourses not listed as "closed" in WAC 220-110-206 and 220-110-207	January 1 - December 31
All watercourses listed as "closed" in WAC 220-110-206 and 220-110-207	closed

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-208, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-209 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class 0 equipment only.** Mineral prospecting and placer mining using Class 0 equipment pursuant to WAC 220-110-202 shall only occur in watercourses and times specified in the following table:

(1) The work times apply to all watercourses listed and their tributaries.

(2) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in state waters listed as "submit application" or "closed" is not authorized under the *Gold and Fish* pamphlet. Site review and a written HPA is required for these state waters.

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ized under the *Gold and Fish* pamphlet. Site review and a written HPA is required for these state waters.

**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING  
AND PLACER MINING USING CLASS 0 EQUIPMENT**

WATERCOURSE	WORK TIME
All watercourses not listed as "submit application" or "closed" in WAC 220-110-206 and 220-110-207	January 1 - December 31
All watercourses listed as "submit application" in WAC 220-110-206 and 220-110-207	submit application
All watercourses listed as "closed" in WAC 220-110-206 and 220-110-207	closed

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-209, filed 12/16/98, effective 1/16/99.]

**WAC 220-110-223 Freshwater lake bulkheads.** Bio-engineering is the preferred method of bank protection where practicable. Freshwater lake bulkhead projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to freshwater bulkhead projects:

(1) The toe of the bulkhead shall be placed landward of the ordinary high water line.

(2) Rock used for the bulkhead construction shall be composed of clean, angular material of a sufficient size to prevent its being washed away by high water or wave action.

(3) Material that is waterward of the ordinary high water line shall not be utilized for backfill.

[Title 220 WAC—p. 207]



(4) Excavated or dredged material shall not be stockpiled waterward of the ordinary high water line.

(5) All trenches, depressions, or holes created within the ordinary high water line shall be backfilled prior to inundation by high water or wave action.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-223, filed 11/14/94, effective 12/15/94.]

**WAC 220-110-224 Freshwater boat hoists, ramps, and launches.** The installation and operation of portable boat hoists in lakes does not require a HPA, provided:

1. Equipment is not operated below the ordinary high water line during installation;

2. The hoist is not installed at the mouth of any watercourse; and

3. Dredging, filling, or pile driving is not conducted as part of the project. Freshwater boat hoist, ramp, and launch projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

The following technical provisions shall apply to boat ramps and launches in freshwater areas.

(1) Structures containing concrete shall be sufficiently cured to prevent leaching prior to contact with water.

(2) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

(3) Overburden material resulting from this project shall be deposited so as not to reenter the water.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-224, filed 11/14/94, effective 12/15/94.]

**WAC 220-110-230 Saltwater technical provisions.** WAC 220-110-240 through 220-110-330 set forth technical provisions that shall apply to saltwater hydraulic projects. Certain technical provisions shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included, as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the hydraulic project approval, as necessary to protect fish life. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-230, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-230, filed 4/13/83.]

**WAC 220-110-240 Tidal reference areas.** Tidal reference areas are defined as follows:

(1) Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and Hammersley Inlet westerly of a line projected from Hungerford Point to Arcadia.

(2) Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from Hungerford Point to

Arcadia and a line projected from Johnson Point to Devil's Head. This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.

(3) Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and northerly of a line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.

(4) Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows Bridge and southerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island.

(5) Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected true west and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound. This area includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.

(6) Tidal Reference Area 6 (Edmonds): All saltwater areas northerly of a line projected true east from Point Jefferson at 47° 15' N. latitude across Puget Sound and southerly of a line projected true east from Possession Point to Chenault Beach and from Foulweather Bluff to Double Bluff.

(7) Tidal Reference Area 7 (Everett): All saltwater areas northerly of a line projected true east from Possession Point to Chenault Beach, easterly of a line projected 5° true from East Point to Lowell Point, and southerly of the Stanwood to Camano Island Highway. This area includes Port Gardner, Port Susan, and parts of Possession Sound and Saratoga Passage.

(8) Tidal Reference Area 8 (Yokeko Point): All saltwater area westerly and northerly of a line projected 5° true from East Point to Lowell Point, north of the Stanwood to Camano Island Highway, and easterly and southerly of Deception Pass Bridge and the Swinomish Channel Bridge on State Highway 536. This area includes Holmes Harbor, Saratoga Passage, Skagit Bay, Similk Bay, and most of the Swinomish Channel.

(9) Tidal Reference Area 9 (Blaine): All saltwater area in Skagit County and Whatcom County that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and northerly of Deception Pass Bridge.

(10) Tidal Reference Area 10 (Port Townsend): All saltwater area of Puget Sound as defined in WAC 220-16-210 except Hood Canal south of a line projected from Tala Point to Foulweather Bluff, and except all waters defined in Tidal Reference Areas 1 through 9. Area 10 includes waters of the San Juan Islands, Admiralty Inlet, the Strait of Juan de Fuca, and associated bays and inlets.

(11) Tidal Reference Area 11 (Union): All saltwater area of Hood Canal southerly and easterly of a line projected from Lilliwaup Bay to Dewatto Bay.

(12) Tidal Reference Area 12 (Seabeck): All saltwater areas of Hood Canal northerly of a line projected from Lilliwaup Bay to Dewatto Bay and southerly of a line projected true east from Hazel Point. This area includes Dabob Bay and Quilcene Bay.

(13) Tidal Reference Area 13 (Bangor): All saltwater area of Hood Canal northerly of a line projected true east from Hazel Point and south of a line projected from Tala Point to Foulweather Bluff. This area includes Port Gamble.

(14) Tidal Reference Area 14 (Ocean Beaches): All saltwater area between Cape Flattery and the Oregon border at the mouth of the Columbia River, excluding Grays Harbor and Willapa Bay.

(15) Tidal Reference Area 15 (Westport): All saltwater area in Grays Harbor easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty, and westerly of 123° 59' W. longitude.

(16) Tidal Reference Area 16 (Aberdeen): All saltwater area in Grays Harbor easterly of 123° 59' W. longitude and westerly of the Union Pacific railroad bridge across the Chehalis River.

(17) Tidal Reference Area 17 (Willapa Bay): All saltwater area in Willapa Bay easterly of a line projected from Leadbetter Point to Cape Shoalwater Light.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-240, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-240, filed 4/13/83.]

**WAC 220-110-250 Saltwater habitats of special concern.** In the following saltwater habitats of special concern, or areas in close proximity with similar bed materials, specific restrictions regarding project type, design, location, and timing may apply as referenced in WAC 220-110-270 through 220-110-330. The location of such habitats may be determined by a site visit. In addition, the department may consider all available information regarding the location of the following habitats of special concern.

(1) Information concerning the location of the following saltwater habitats of special concern is available on request to the habitat management division of the department of fish and wildlife. These habitats of special concern may occur in the following types of areas:

(a) Surf smelt (*Hypomesus pretiosus*) spawning beds are located in the upper beach area in saltwater areas containing sand and/or gravel bed materials.

(b) Pacific sand lance (*Ammodytes hexapterus*) spawning beds are located in the upper beach area in saltwater areas containing sand and/or gravel bed materials.

(c) Rock sole (*Lepidopsetta bilineata*) spawning beds are located in the upper and middle beach area in saltwater areas containing sand and/or gravel bed materials.

(d) Pacific herring (*Clupea harengus pallasii*) spawning beds occur in lower beach areas and shallow subtidal areas in saltwater areas. These beds include eelgrass (*Zostera* spp) and other saltwater vegetation and/or other bed materials such as subtidal worm tubes.

(e) Rockfish (*Sebastes* spp) settlement and nursery areas are located in kelp beds, eelgrass (*Zostera* spp) beds, other saltwater vegetation, and other bed materials.

(f) Lingcod (*Ophiodon elongatus*) settlement and nursery areas are located in beach and subtidal areas with sand, eelgrass (*Zostera* spp), subtidal worm tubes, and other bed materials.

(2) Juvenile salmonid (Family salmonidae) migration corridors, and rearing and feeding areas are ubiquitous throughout shallow nearshore saltwater areas of the state.

(3) The following vegetation is found in many saltwater areas and serves essential functions in the developmental life history of fish or shellfish:

- (a) Eelgrass (*Zostera* spp);
- (b) Kelp (Order laminariales);
- (c) Intertidal wetland vascular plants (except noxious weeds).

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-250, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100, 84-04-047 (Order 84-04), § 220-110-250, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-250, filed 4/13/83.]

**WAC 220-110-270 Common saltwater technical provisions.** The following technical provisions apply to projects in saltwater areas. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available.

(1) Use of equipment on the beach area shall be held to a minimum and confined to specific access and work corridors.

(2) Bed material, other than material excavated for bulkhead footings or placement of bulkhead base rock, shall not be utilized for project construction or fills. The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or cleanup of contaminated sediments.

(3) Wet concrete shall be prevented from entering waters of the state. Forms for any concrete structure shall be constructed to prevent leaching of wet concrete. Impervious material shall be placed over any exposed concrete not lined with forms that will come in contact with waters of the state. Forms and impervious material shall remain in place until the concrete is cured.

(4) Beach area depressions created during project activities shall be reshaped to preproject beach level upon project completion. Hydraulic clam harvesters shall comply with those conditions specified in WAC 220-52-018.

(5) No debris or deleterious material shall be disposed of or abandoned waterward of the ordinary high water line except at an approved in-water site.

(6) All debris or deleterious material resulting from construction shall be removed from the beach area or bed and prevented from entering waters of the state.

(7) No petroleum products or other deleterious materials shall enter surface waters.

(8) Project activities shall be conducted to minimize siltation of the beach area and bed.

(9) All piling, lumber, and other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed.

(10) Wood treated with preservatives, trash, waste, or other deleterious materials shall not be burned below the ordinary high water line. Limited burning of untreated wood or similar material, subject to timing restrictions or other provisions may be allowed.

(11) Project activities shall not degrade water quality to the detriment of fish life.

(12) If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and the department granting the HPA shall be notified immediately.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-270, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-270, filed 4/13/83.]

**WAC 220-110-271 Prohibited work times in saltwater areas.** Work waterward of the ordinary high water line shall be prohibited or conditioned for the following times and areas. These timing restrictions shall be applied to projects in the following saltwater areas except when allowed under sub-

section (6) of this section or WAC 220-110-285 (Single family residence bulkheads in saltwater areas).

(1) The prohibited times and areas for protection of migrating juvenile salmonids, surf smelt, and Pacific herring spawning beds are listed in the following table:

PROHIBITED TIMES			
TIDAL REFERENCE AREA	JUVENILE SALMONID MIGRATION FEEDING AND REARING AREAS	SURF SMELT SPAWNING BEDS	HERRING SPAWNING BEDS
1	March 15 - June 14	—	January 15 - March 31
2	March 15 - June 14	July 1 - March 31	January 15 - March 31
3	March 15 - June 14	October 1 - April 30	January 15 - March 31
4	March 15 - June 14	October 1 - April 14	January 15 - April 14
5	March 15 - June 14	September 1 - March 31 in all areas except Eagle Harbor and Sinclair Inlet Year round in Eagle Har- bor and Sinclair Inlet	January 15 - April 30
6	March 15 - June 14	—	—
7	March 15 - June 14	Year round	February 1 - April 14
8	March 15 - June 14	Year round	February 1 - April 14
9	March 15 - June 14	Year round	February 1 - April 14 south of a line running due west from Governor's point February 1 - June 14 north of a line running due west from Governor's point
10	March 15 - June 14	Sept. 15 - October 31 in Kilisut Harbor October 15 - January 14 in Dungeness Bay May 1 - August 31 in Twin Rivers and Deep Creek Year round in San Juan Islands	January 15 - April 30
11	March 15 - June 14	September 15 - March 1	January 15 - March 31
12	March 15 - June 14	—	February 15 - April 14
13	March 15 - June 14	October 15 - January 31	January 15 - April 14
14	March 1 - June 14	—	—
15	March 1 - June 14	—	—
16	March 1 - June 14	—	—
17	March 1 - June 14	—	February 1 - March 14

(2) Tidal Reference Areas 1 through 17; October 15 through March 1 for projects in or adjacent to Pacific sand lance spawning beds.

(3) Tidal Reference Areas 1 through 17; December 15 through March 31 for projects in or adjacent to rock sole spawning beds.

(4) Tidal Reference Areas 1 through 17; May 15 through October 14 for projects in or adjacent to lingcod settlement and nursery areas.

(5) Additional timing restrictions may apply for protection of other important species of fish or shellfish or if necessary to protect fish life at a particular site.

(6) If the surf smelt spawning season for the project location is six months or longer, work may be permitted if it commences within forty-eight hours after the location is inspected by a department representative or biologist acceptable to the department and it is determined that no spawning

is occurring or has recently occurred. The project may be further conditioned to require completion within a particular time.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-271, filed 11/14/94, effective 12/15/94.]

**WAC 220-110-280 Bulkheads and bank protection in saltwater areas (nonsingle family residence).** Bulkhead construction and other bank protection projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

The following technical provisions apply to bulkhead and bank protection projects in saltwater areas on nonsingle family residence property. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) The waterward face of a new bulkhead or other bank protection shall be constructed according to an approved design, utilizing the least impacting type of structure and shall minimize encroachment waterward of the ordinary high water line to protect juvenile salmonid migration corridors and other habitats of special concern.

(2) Replacement or repair of an existing, functioning bulkhead or other bank protection shall utilize the least impacting type of structure and method of construction and shall minimize further waterward encroachment.

(3) The construction of bulkheads and other bank protection is prohibited in eelgrass (*Zostera* spp), Pacific herring spawning beds, and lingcod and rockfish settlement and nursery areas.

(4) The construction of bulkheads and other bank protection shall not result in a permanent loss of surf smelt, Pacific sand lance, or rock sole spawning beds.

(5) Kelp (Order laminariales) or intertidal wetland vascular plants (except noxious weeds) adversely impacted due to construction of bulkheads or other bank protection shall be replaced using proven methodology.

(6) Project activities within the beach area shall not occur when the project area, including the work corridor, is inundated by tidal waters.

(7) Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for construction of the bulkhead or other bank protection.

(8) All natural habitat features on the beach larger than twelve inches in diameter including trees, stumps and logs, and large rocks shall be retained on the beach following construction.

(9) Excavated materials containing silt, clay, or fine grained soil shall not be stockpiled below the ordinary high water line.

(10) When stockpiling of sand, gravel, and other coarse material is allowed below the ordinary high water line, it shall be placed within a designated work corridor waterward of the bulkhead footing or base rock. All excavated or stockpiled material shall be removed from the beach within seventy-two hours of bulkhead construction.

(11) If sand, gravel, and other coarse material is to be temporarily placed where it will come into contact with tidal waters, this material shall be covered with filter fabric and adequately secured to prevent erosion and/or potential entrapment of fish.

(12) All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal waters. Trenches excavated for footings or placement of base rock may remain open during construction, however, fish shall be prevented from entering such trenches.

(13) Placement of appropriately sized gravel on the beach area shall be required following construction of bulkheads or other bank protection in identified surf smelt spawning areas.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-280, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080, 83-09-019 (Order 83-25), § 220-110-280, filed 4/13/83.]

**WAC 220-110-285 Single-family residence bulkheads in saltwater areas.** Single-family residence bulkheads

(2007 Ed.)

shall not result in the permanent loss of critical food fish or shellfish habitat.

The following provisions apply to bulkhead projects in saltwater areas on single-family residence property. Except as expressly provided for in this section, construction of single-family residence bulkheads shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Critical food fish and shellfish habitats pertaining to single-family residence bulkheads as identified in RCW 75.20.160 are those habitats that serve an essential function in the developmental life history of fish or shellfish. These habitats include but are not limited to the following:

(a) Pacific herring, surf smelt, Pacific sand lance, and rock sole spawning beds;

(b) Intertidal wetland vascular plants (except noxious weeds);

(c) Eelgrass (*Zostera* spp);

(d) Kelp (Order laminariales);

(e) Lingcod settlement and nursery areas;

(f) Rockfish settlement and nursery areas;

(g) Juvenile salmonid migration corridors and rearing and feeding areas.

(2) The waterward face of a new bulkhead shall be located at or above the ordinary high water line. Where this is not practicable due to geological, engineering, or safety concerns, the waterward face of the new bulkhead shall be located only as far waterward of the ordinary high water line as necessary to excavate for footings or place base rock for the structure and under no conditions shall the waterward face of the bulkhead be located more than six feet waterward of the ordinary high water line. In addition, the waterward face of any bulkhead shall be located as close to the toe of the bank as possible.

(3) The waterward face of a replacement bulkhead shall be located no further waterward than the face of the existing, functioning bulkhead except where removal of the existing bulkhead would result in environmental degradation (e.g., release of deleterious material) or removal problems due to geological, engineering, or safety concerns. Where removal of an existing bulkhead is not practicable for the above reasons, the replacement or repair bulkhead shall be placed waterward of and directly abutting the existing structure. The least impacting type of structure and method of construction shall be utilized in these instances.

(4) Construction work on a bulkhead project under this section shall be subject to the timing restrictions in WAC 220-110-271 if the department determines that the project may affect a critical food fish or shellfish habitat described above. To determine if a timing constraint is appropriate for a bulkhead project under this section the department shall consider the particular location of the project and characteristics of habitats that may be affected by the project, and may include an inspection of the project site to evaluate the particular habitats near the project. The timing constraints listed in WAC 220-110-271 shall be imposed only if the department determines in the particular case that the constraint is necessary to protect a critical food fish or shellfish habitat. In addition, the timing constraints under this section shall meet the following requirements:

(a) When a project under this section may affect more than one critical habitat, the department shall apply the more protective timing constraint.

(b) Timing conditions to protect nearshore juvenile salmonid migration, rearing, and feeding areas shall not be required if:

(i) The excavation for footings or placement of base rock is located at or above MHHW and all construction work is conducted from the landward side of the project; or

(ii) The waterward face of the bulkhead and all work areas and corridors, including stockpile areas, but excluding the area occupied by a grounded barge, are at or above MHHW; or

(iii) The waterward face of the bulkhead is at or above MHHW and the bed of the project site does not contain substantial amounts of silt, clay, or fine grained sediments, so long as the project also meets the following conditions:

(A) If the bulkhead is to be constructed of rock, then work shall be limited to daylight hours in a twenty-five-foot wide corridor immediately waterward of the new bulkhead face (excluding the area occupied by a grounded barge) and construction work shall not occur if tidal waters are within thirty feet of the new bulkhead face or within the stockpile area, whichever is greater. The department may permit rock to be stockpiled within fifty feet of the new bulkhead face.

(B) If the bulkhead is to be constructed of concrete, timber, steel, or material other than rock, work shall be limited to daylight hours in a fifteen foot wide corridor immediately waterward of the new bulkhead face (excluding the area occupied by a grounded barge) and construction work shall not occur if tidal waters are within twenty feet of the new bulkhead face.

(c) Timing conditions to protect surf smelt spawning beds shall be imposed if a bulkhead project is located on or where it may affect a surf smelt spawning area and the surf smelt spawning season for that location is less than six months. If the surf smelt spawning season for the project location is six months or longer, then work may be permitted if it commences within forty-eight hours after the location is inspected by a department representative or biologist acceptable to the department and it is determined that no spawn is occurring or has recently occurred. The project may be further conditioned to require completion within a particular time.

(d) When required by the habitat characteristics of a particular case, location, or project, the department may impose appropriate timing constraints to protect a critical habitat pursuant to WAC 220-110-271(5).

(5) Project activities shall not occur when the project area including the work corridor (excluding the area occupied by a grounded barge), is inundated by tidal waters.

(6) Removal or destruction of overhanging bankline vegetation shall be limited to that necessary for construction of the bulkhead.

(7) All natural habitat features on the beach larger than twelve inches in diameter including trees, stumps, logs, and large rocks shall be retained on the beach following construction.

(8) Excavated materials containing silt, clay, or fine grained soil shall not be stockpiled below the ordinary high water line.

(9) When stockpiling of sand, gravel, and other coarse material is allowed below the ordinary high water line, it shall be placed within a designated work corridor waterward of the bulkhead footing or base rock. All excavated or stockpiled material shall be removed from the beach within seventy-two hours of bulkhead construction.

(10) If sand, gravel and other coarse material is to be temporarily placed where it will come into contact with tidal waters, this material shall be covered with filter fabric and adequately secured to prevent erosion and/or potential entrainment of fish.

(11) All trenches, depressions, or holes created in the beach area shall be backfilled prior to inundation by tidal waters. Trenches excavated for footings or placement of base rock may remain open during construction, however, fish shall be prevented from entering such trenches.

(12) Placement of appropriately sized gravel on the beach area shall be required following construction of bulkheads in identified surf smelt spawning areas.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-285, filed 11/14/94, effective 12/15/94.]

**WAC 220-110-290 Saltwater boat ramps and launches.** Boat ramp projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to saltwater area boat ramp and launch projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Railway-type boat launches shall be designed to cause minimal interference with tidal currents and littoral drift.

(2) Boat ramps shall be designed and located to avoid adverse impacts to surf smelt, Pacific sand lance, rock sole, and Pacific herring spawning beds, rockfish and lingcod settlement and nursery areas, and eelgrass (*Zostera* spp).

(3) The side slopes of a boat ramp shall be no steeper than 1.5 feet horizontal to one foot vertical.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-290, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-290, filed 4/13/83.]

**WAC 220-110-300 Saltwater piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings.** Piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated mooring projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to piers, pilings, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings in saltwater areas. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Floats and rafts shall not ground on surf smelt, Pacific herring, Pacific sand lance, and rock sole spawning beds. In all other areas, no more than twenty percent of the float or raft within the beach area shall ground at any time. Those portions of the float or raft that will ground shall be constructed to align parallel to the shore and provide a mini-

mum of eight inches clearance between the beach area and nongrounding portions of the float.

(2) Floats, rafts, and associated anchoring systems shall be designed and deployed so that the bed is not damaged.

(3) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid shading of eelgrass (*Zostera* spp.).

(4) Kelp (Order laminariales) and intertidal wetland vascular plants (except noxious weeds) adversely impacted due to construction of piers, docks, floats, rafts, ramps, boat-houses, and houseboats shall be replaced using proven methodology.

(5) Mitigation measures for piers, docks, floats, rafts, ramps, and associated moorings shall include, but are not limited to, restrictions on structure width and/or incorporation of materials that allow adequate light penetration (i.e., grating) for structures located landward of -10.0 feet MLLW.

(6) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid adverse impacts to Pacific herring spawning beds and rockfish and lingcod settlement and nursery areas.

(7) Piers, docks, floats, rafts, ramps, boathouses, houseboats, and associated moorings shall be designed and located to avoid adverse impacts to juvenile salmonid migration routes and rearing habitats.

(8) Floatation for the structure shall be fully enclosed and contained to prevent the breakup or loss of the floatation material into the water.

(9) Boathouses and houseboats and covered moorages shall not be located landward of -10.0 feet MLLW.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-300, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-300, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-300, filed 4/13/83.]

**WAC 220-110-310 Utility lines.** Utility line projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to utility line projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) Timing restrictions for digging trenches in the beach area for the installation of cables, sewer lines, and other utilities may be further restricted to protect other important fish life.

(2) Excavation of trenches within the beach area shall not occur when the project area is inundated by tidal waters.

(3) Trenches excavated for placement of utilities may remain open for limited times during construction, but fish shall be prevented from entering open trenches.

(4) If a fish kill occurs, or fish are observed in distress, excavation activities shall immediately cease and the department shall be notified immediately.

(5) Excavation for and installation of cables, sewer lines, and other utilities shall be conducted with equipment and techniques that minimize adverse impacts to fish and shellfish and their habitats.

(2007 Ed.)

(6) Utility lines shall be located to avoid Pacific herring spawning beds, rockfish and lingcod settlement and nursery areas and eelgrass (*Zostera* spp.).

(7) Kelp (Order laminariales) and intertidal wetland vascular plants (except noxious weeds) adversely impacted due to excavation or installation activities shall be replaced using proven methodology.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-310, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-310, filed 4/13/83.]

#### **WAC 220-110-320 Dredging in saltwater areas.**

Dredging projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions apply to dredging projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-271.

(1) In addition to those timing limitations listed in WAC 220-110-271, dredge timing may be further restricted to protect other important fish life.

(2) If a fish kill occurs or fish are observed in distress, dredging shall immediately cease and the department shall be notified immediately.

(3) A hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(4) Each pass of a clamshell dredge bucket shall be complete. Stockpiling of dredged material below the ordinary high water line may be prohibited.

(5) Dredging shall be conducted with dredge types and methods that cause the least adverse impact to fish and shellfish and their habitat.

(6) Dredged bed materials shall be disposed of at approved in-water disposal sites or upland. The department may allow placement of dredged material in areas for beneficial uses such as beach nourishment or cleanup of contaminated sediments.

(7) Dredging shall be conducted to a depth not greater than the channel depth at the seaward end. Dredging to depths greater than the channel at the seaward end may be authorized only in berthing areas and turning basins for commercial shipping purposes.

(8) Dredging is prohibited in herring spawning beds and in rockfish and lingcod settlement and nursery areas.

(9) Kelp (Order laminariales) adversely impacted due to dredging shall be replaced using proven methodology.

(10) Dredging shall avoid adverse impacts to eelgrass (*Zostera* spp.).

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-320, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-320, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-320, filed 4/13/83.]

#### **WAC 220-110-330 Marinas in saltwater areas.**

Marina construction projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical

provisions apply to marina projects. In addition, these projects shall comply with technical provisions and timing restrictions in WAC 220-110-240 through 220-110-320 except WAC 220-110-285.

(1) The construction of marinas is prohibited on or over Pacific herring spawning beds and lingcod and rockfish settlement and nursery areas.

(2) Marinas shall be designed, located, and constructed to avoid adverse impacts to surf smelt, Pacific sand lance, and rock sole spawning beds, and eelgrass (*Zostera* spp).

(3) Open-type construction, utilizing floating breakwaters and open pile work, shall be used whenever practicable.

(4) Physical modeling, numerical models, or other information that demonstrates adequate water exchange and circulation may be required.

(5) All navigation channels and breaches shall be maintained at or below marina depth to provide adequate fish passage.

(6) Isolated breakwaters beyond the line of extreme low tide shall be constructed of permanent material. No slope restrictions apply.

(7) The following provisions apply to marina construction shoreward of the existing ordinary high water line:

(a) A single entrance may be required.

(b) The entire inner shoreline shall be in conformance with bulkheading provisions in WAC 220-110-280.

(8) The following provisions apply to marina construction waterward of the ordinary high water line:

(a) The beach area inside the marina may be protected in accordance with bulkheading provisions in WAC 220-110-280. Between the elevation of the toe of the bulkhead and MLLW the beach face shall not exceed a slope of 1.5 feet horizontal to one foot vertical.

(b) For a single entrance or breach marina, the breakwater structure shall not exceed a 1.5 feet horizontal to one foot vertical slope inside and outside the marina.

(c) The following provisions apply when a marina includes breaches that form shore breakwaters (jetties) and detached breakwaters:

(i) The toe of the shore breakwaters (jetties) may extend seaward to MLLW, but shall not extend seaward more than 250 feet from MHHW.

(ii) The shore breakwaters shall have a minimum slope of 1.5 feet horizontal to 1 foot vertical throughout.

(iii) The breaches between the shore breakwaters and the detached breakwaters shall be not less than 20 feet in width measured at the toe of the slope.

(d) Boathouses, houseboats, and covered moorages shall not be located landward of -10 feet MLLW.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-330, filed 11/14/94, effective 12/15/94. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-330, filed 4/13/83.]

**WAC 220-110-331 Aquatic plant removal and control technical provisions.** WAC 220-110-332 through 220-110-338 set forth technical provisions that shall apply to hydraulic projects that control or remove aquatic plants. Aquatic plant removal and control methods include physical, mechanical, biological and chemical control methods. Often the best approach to aquatic plant control and removal is

through the development of a vegetation management plan. A vegetation management plan is a comprehensive approach to control of aquatic plants where all forms of control strategies are considered and usually some combination of techniques is selected and implemented in a planned manner. These plans are based on the idea that decisions should be centered upon an understanding of the biology and ecology of the aquatic plant to be controlled and the environmental characteristics of the site. Integrated vegetation management planning is encouraged at all times to comprehensively address aquatic plant problems for a watercourse. Certain technical provisions shall be required depending upon the individual proposal and site specific characteristics. Additional special provisions may be included, as necessary to address site-specific conditions. Those provisions, where applicable, shall be contained in the HPA (pamphlet or individual), as necessary to protect fish life. HPAs shall have specific time limitations on project activities to protect fish life. Information concerning timing shall be included with the pamphlet HPA. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-331, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-332 Hand removal or control.** A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Hand removal or control of aquatic plants is useful for eradication of an aquatic noxious weed early infestation. Hand removal or control can be effective for small, confined areas. Hand removal or control of aquatic plants projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to hand removal or control of both aquatic noxious weed and aquatic beneficial plant projects except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for raking in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington and Wenatchee. Authorization may or may not be given for raking, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by raking to the spawning area.

(2) Work shall be restricted to the use of hand-pulling, hand-held tools or equipment, or equipment that is carried when used.

(3) Removal or control of aquatic beneficial plants to maintain an access for boating or swimming shall be allowed along a maximum length of 10 linear feet of the applicant's shoreline. Projects for boating and swimming access which cover a larger area shall require prior authorization by the department.

(4) Where possible, the entire plant shall be removed when using hand-pulling for aquatic noxious weeds.

(5) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using hand removal to remove or control aquatic noxious weeds.

Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(6) Existing fish habitat components such as logs, stumps, and large boulders shall not be removed or disturbed.

(7) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(8) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse.

(9) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(10) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

[Statutory Authority: RCW 75.08.080, 97-13-001 (Order 97-84), § 220-110-332, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-333 Bottom barriers or screens.** A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Bottom barriers or screens are useful for eradication of an aquatic noxious weed early infestation. Bottom barriers or screens are best used in small, confined areas where control of all plants is desirable. Bottom barrier or screen projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to bottom barrier or screen projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(2) For removal and control of aquatic noxious weeds, bottom barrier or screen material shall not cover more than fifty percent of the length of the applicant's shoreline. Bottom barrier or screen projects covering a larger area shall require prior authorization by the department. Bottom barrier or screen and anchor material consisting of biodegradable material may be left in place. Bottom barrier or screen and anchor material that is not biodegradable shall be completely removed within two years of placement to encourage recolonization of aquatic beneficial plants unless otherwise approved by the department.

(3) To remove or control aquatic beneficial plants such that an access is maintained for boating or swimming, bottom

barrier or screen and anchor material that is either biodegradable or nonbiodegradable may be installed along a maximum length of ten linear feet of the applicant's shoreline. Bottom barrier or screen projects for boating and swimming access which cover a larger area shall require prior authorization by the department.

(4) Bottom barrier or screen material shall be securely anchored with pea-gravel filled bags, rock or similar mechanism to prevent billowing and movement offsite.

(5) Bottom barrier or screen and anchors shall be regularly maintained while in place to ensure the barrier or screen and anchors are functioning properly. Barriers or screens that have moved or are billowing shall immediately be securely reinstalled or removed from the watercourse.

(6) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to properly install the bottom barrier or screen. These habitat components shall not be removed from the watercourse.

(7) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(8) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

[Statutory Authority: RCW 75.08.080, 97-13-001 (Order 97-84), § 220-110-333, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-334 Weed rolling.** A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Weed rollers are best used when control of all aquatic plants is desired. Weed rolling projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to weed rolling projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(2) Weed rollers shall not be used to remove an aquatic noxious weed early infestation. To remove or control all other infestation levels of aquatic noxious weeds, weed rollers shall not cover an area of more than two thousand five hundred square feet. Weed roller projects covering a greater area shall require prior authorization by the department.



(3) Where the intent is to remove or control aquatic beneficial plants, prior authorization by the department shall be required.

(4) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using weed rollers to remove or control aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(5) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(6) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse.

(7) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(8) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to properly install the weed roller. These habitat components shall not be removed from the watercourse.

(9) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-334, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-335 Mechanical harvesting and cutting.** A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mechanical harvesting and cutting projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to mechanical harvesting and cutting projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Mechanical harvesters and cutters shall not be used to remove an aquatic noxious weed early infestation.

(2) If the intent of the project is to remove aquatic beneficial plants, prior authorization by the department shall be required.

(3) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using mechanical harvesters or cutters to remove or control aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(4) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Equipment shall be well-maintained and where

practicable, food-grade oil in the hydraulic systems should be used.

(5) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(6) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(7) Mechanical harvester and cutter operations shall only be conducted in waters of sufficient depth to avoid bottom contact with the cutter blades.

(8) Mechanical harvesters and cutters shall be operated at all times to cause the least adverse impact to fish life.

(9) Fish life that may be entrained in the cut vegetation during mechanical harvester operations shall be immediately and safely returned to the watercourse.

(10) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(11) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

[Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-335, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-336 Rotovation.** An individual HPA shall be required for rotovation projects. Rotovation projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to rotovation projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) Rotovators shall not be used to remove an aquatic noxious weed early infestation.

(2) Removal of detached plants and plant fragments from the watercourse shall be as complete as possible when using rotovation to remove or control aquatic noxious weeds. Detached plants and plant fragments shall be disposed of at an upland site so as not to reenter state waters.

(3) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Rotovators shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(4) If at any time, as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(5) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(6) Rotovators shall be operated at all times to cause the least adverse impact to fish life.

(7) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(8) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(9) Rotovation shall not occur in fish spawning areas unless approved by the department.

[Statutory Authority: RCW 75.08.080, 97-13-001 (Order 97-84), § 220-110-336, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-337 Aquatic plant dredging.** A copy of the current *Aquatic Plants and Fish* pamphlet available from the department shall serve as an HPA for diver-operated dredging only, unless otherwise indicated, and shall be on the job site at all times. All other dredging for aquatic plant control or removal shall require an individual HPA. Dredging projects may incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to dredging projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) All aquatic plant dredging projects.

(a) Due to potential impacts to sockeye spawning areas, prior authorization by the department shall be required for

(2007 Ed.)

activities in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish, Washington, and Wenatchee. Authorization may or may not be given for the activity, and if given, may require mitigation through a written agreement between the applicant and the department for impacts by the activity to the spawning area.

(b) Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid or other deleterious material from equipment used are allowed to enter or leach into the watercourse. Equipment shall be well-maintained and where practicable, food-grade oil in the hydraulic systems should be used.

(c) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(d) Existing fish habitat components such as logs, stumps, and large boulders may be relocated within the watercourse if necessary to operate the equipment. These habitat components shall not be removed from the watercourse.

(e) Dredging shall be conducted at all times with dredge types and methods that cause the least adverse impact to fish life.

(f) Every effort shall be made to avoid the spread of plant fragments through equipment contamination. Persons or firms using any equipment to remove or control aquatic plants shall thoroughly remove and properly dispose of all viable residual plants and viable plant parts from the equipment prior to the equipment's use in a body of water.

(g) Work shall be conducted to minimize the release of sediment and sediment-laden water from the project site.

(h) Upon completion of the dredging, the bed shall not contain pits, potholes, or large depressions to avoid stranding of fish.

(i) Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to conduct the project. All disturbed areas shall be protected from erosion, within seven calendar days of completion of the project, using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities and maintenance requirements for rooted stock will be determined on a site-specific basis. After prior authorization by the department, the requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(2) Diver-operated dredging only. The use of diver-operated dredging is useful to remove an aquatic noxious weed early infestation, and to assist in long-term maintenance following control or removal via other methods.

(a) Removal of plants and plant fragments from the watercourse shall be as complete as possible when using diver-operated dredging to remove or control aquatic noxious weeds. Plants and plant fragments shall be removed from the

dredge slurry prior to its return to the watercourse. Dredged bed materials, including detached plants and plant fragments, shall be disposed of at an upland disposal site so as not to reenter state waters.

(b) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(c) If the intent of the project is to remove or control aquatic beneficial plants, prior authorization from the department shall be required.

(3) Dredging other than diver-operated dredging. *Except* for diver-operated dredging, an individual HPA shall be required for all dredging for aquatic plant control or removal projects.

(a) Dragline and clamshell dredges shall not be used to remove an aquatic noxious weed early infestation.

(b) Removal of plants and plant fragments from the watercourse shall be as complete as possible when using dredging to remove or control aquatic noxious weeds. Dredged bed materials, including detached plants and plant fragments, shall be disposed of at an upland disposal site so as not to reenter state waters.

(c) Dredging shall not be conducted in fish spawning areas unless approved by the department.

(d) An hydraulic dredge shall only be operated with the intake at or below the surface of the material being removed. The intake shall only be raised a maximum of three feet above the bed for brief periods of purging or flushing the intake system.

(e) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged material shall not be stockpiled waterward of the ordinary high water line.

[Statutory Authority: RCW 75.08.080, 97-13-001 (Order 97-84), § 220-110-337, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-338 Water level manipulation.** An individual HPA shall be required for water level manipulation. The use of water level manipulations (drawdowns) to remove or control aquatic noxious weeds or aquatic beneficial plants by exposing plants and root systems to extreme temperature and moisture conditions may be appropriate under specific circumstances. Accurate plant identification is important to ensuring any degree of success. Water level manipulation projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical provisions shall apply to water level manipulation projects for both aquatic noxious weed or aquatic beneficial plant control or removal except where otherwise indicated:

(1) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. The project shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(2) Water level manipulation shall be conducted to cause the least adverse impact to fish life.

(3) Water level manipulation shall occur gradually and in a controlled manner to prevent a sudden release of impounded water or sediments which may result in downstream bed and bank degradation, sedimentation, or flooding. Water levels shall be drawdown and brought back up at rates predetermined in consultation with and approved by the department. Instream flow requirements shall be maintained as water levels are brought back up.

(4) Disturbed bank areas shall be protected from erosion. Erosion control methods may include, but are not limited to, filter fabric and immediate mulching of exposed areas. Riprap, or other bank hardening/armoring method, shall not be allowed.

[Statutory Authority: RCW 75.08.080, 97-13-001 (Order 97-84), § 220-110-338, filed 6/4/97, effective 7/5/97.]

**WAC 220-110-340 Informal appeal of adverse administrative decisions.** It is recommended that an aggrieved party contact the local habitat biologist responsible for the hydraulic permit decision of concern prior to initiating an informal or formal appeal. Discussion of concerns with the habitat biologist often results in resolution of the problem without the need for an informal or formal appeal. The habitat biologist may request review of your concerns by his or her supervisor.

All parties are encouraged to take advantage of this informal appeal process prior to initiating a formal appeal. However, this informal appeal process is not mandatory, and a person may proceed directly to a formal appeal.

(1) The following procedures shall govern informal appeals of department actions taken pursuant to RCW 75.20.100, 75.20.103, 75.20.106, and 75.20.160. This rule does not apply to any provisions or conditions in pamphlets or supplemental approvals as defined in WAC 220-110-020 (44)(c). A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual written HPA. A person who is aggrieved or adversely affected by the following department actions may request an informal review:

(a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA; or

(b) An order imposing civil penalties.

(2) A request for an informal review shall be in writing and shall be received by the department within thirty days of the denial or issuance of an HPA or receipt of an order imposing civil penalties. The thirty-day time requirement may be stayed by the department if negotiations are occurring between the aggrieved party and the habitat biologist and/or their supervisor. Requests for informal review shall be mailed to Department of Fish and Wildlife, Habitat and Lands Services Program, 600 Capitol Way N., Olympia, Washington 98501-1091, or hand delivered to 1111 Washington Street S.E., Habitat and Lands Services Program, Fifth floor.

(3) Upon receipt of a written request for informal agency review, the department shall initiate a review of the agency decision. This review shall be conducted by the regulatory services division manager or the division manager's designee. Upon completion of the comprehensive review, the division manager, or designee shall recommend a decision to the

director or the director's designee. This recommended decision shall be approved or disapproved by the director or the director's designee within sixty days of the date the informal appeal was received by the department. The department shall notify the appellant in writing of the decision of the director or the director's designee.

(4) If, following this informal agency review process, the appellant still wishes to contest the agency action, a formal appeal may be initiated pursuant to WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-340, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-340, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-340, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-340, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-340, filed 4/13/83.]

**WAC 220-110-350 Formal appeal of administrative decisions.** (1) The following procedures shall govern formal appeals of department actions taken pursuant to RCW 75.20.100 or 75.20.106. This rule does not apply to any provisions or conditions in pamphlets or supplemental approvals as defined in WAC 220-110-020 (44)(c). A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual written HPA. This rule does not apply to an appeal in which a person contests the denial, conditioning or issuance of an HPA issued pursuant to RCW 75.20.103 or 75.20.160, which shall be heard by the hydraulic appeals board. A person who is aggrieved or adversely affected by the following department actions may request a formal appeal:

(a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA;

(b) An order imposing civil penalties; or

(c) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, chapter 34.05 RCW.

(2) As required by the Administrative Procedure Act, the department shall inform the permittee, or person subject to civil penalty or order of the department, of the opportunity for appeal, the time within which to file a written request for an appeal, and the place to file it.

(3) A request for an appeal shall be in writing and shall be received during office hours by the department within thirty days of the agency action that is being challenged. Requests for appeal shall be mailed to Department of Fish and Wildlife, Habitat and Lands Services Program, 600 Capitol Way N., Olympia, Washington 98501-1091, or hand delivered to 1111 Washington Street SE, Habitat and Lands Services Program, Fifth floor. If there is no timely request for an appeal, the agency action shall be final and unappealable.

(4) The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within thirty days of the date of the department's written decision in response to the informal appeal.

(2007 Ed.)

(5) The written request for an appeal shall be plainly labeled as "Request for Formal Appeal" and shall contain the following:

(a) The name, address, and phone number of the person requesting the appeal;

(b) The specific agency action that the person contests; for example, denial of an HPA, a particular condition in an HPA, order imposing civil penalties, etc.;

(c) Whether the person is the permittee, landowner, resident, or other basis for the person's interest in the agency action in question;

(d) The date of denial, issuance, or condition of an HPA, if the person is contesting denial, issuance, or conditioning of an HPA;

(e) Specific relief requested; and

(f) The attorney's name, address, and phone number, if the person is represented by legal counsel.

(6) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursuant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464.

(7) All hearings conducted by the director, the director's designee, or an ALJ pursuant to subsection (6) of this section, shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-350, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-350, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-350, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-350, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-350, filed 4/13/83.]

**WAC 220-110-360 Penalties.** (1) Any person that commences any activity subject to RCW 75.20.100, 75.20.103, or 75.20.160 without having first obtained an HPA from the department, or any person that fails to comply with any of the requirements or provisions of an HPA, is guilty of a gross misdemeanor.

(2) The department may impose a civil penalty of up to one hundred dollars per day for a violation or continuing violation of RCW 75.20.100 or 75.20.103, or any provision or condition of an HPA. The department shall impose the civil penalty with an order in writing delivered by certified mail or personal service to the person who is penalized. The notice shall describe the violation, identify the amount of the penalty, identify how to pay the penalty, and identify informal or formal appeal rights for the person penalized. If the violation is an ongoing violation, the penalty shall accrue for each additional day of violation. For ongoing violations, the civil penalty may continue to accrue during any appeal process unless the accrual is stayed in writing by the department.

(3) If not timely appealed under WAC 220-110-340 or 220-110-350, the civil penalty order is final and unappealable. If appealed, the civil penalty becomes final upon issuance of a final order not subject to any further administrative appeal. When a civil penalty order becomes final, it is due and payable. If the civil penalty is not paid within thirty days

after it becomes due and payable, the department may seek enforcement of the order pursuant to RCW 75.20.106 and 34.05.578.

[Statutory Authority: RCW 75.08.080, 94-23-058 (Order 94-160), § 220-110-360, filed 11/14/94, effective 12/15/94.]

## Chapter 220-125 WAC

### LICENSE REVOCATION AND PRIVILEGE SUSPENSION

#### WAC

220-125-010	Scope of rules—Definitions.
220-125-020	Issuing orders of revocation or suspension.
220-125-040	Content of order.
220-125-050	Adjudicative proceedings to contest an order of revocation or suspension.
220-125-060	Grounds for reversing or modifying an order of suspension or revocation.
220-125-070	Orders upon adjudication.
220-125-080	Reinstatement.

**WAC 220-125-010 Scope of rules—Definitions.** The provisions of this chapter apply to the department's authority under chapter 77.15 RCW to issue orders that revoke licenses, tags, or permits issued by the department, or to suspend privileges administered by the department.

(1) "Revoke" and "revocation" mean issuance of a department order under chapter 77.15 RCW that takes away a license, tag, or permit. A revocation order nullifies all privileges represented by the license, tag, or permit, regardless of whether a revoked license is physically returned to the department, unless that order is withdrawn or reversed.

(2) "Suspend" and "suspension" mean issuance of a department order under chapter 77.15 RCW that prohibits a person from enjoying or exercising a privilege that is regulated by any licenses, tags, or permits issued by the department. When a person is subject to an order suspending privileges, then any license obtained in violation of the suspension is void.

(3) For purposes of suspending hunting privileges because of a person shooting another person or domestic livestock while hunting pursuant to RCW 77.15.720, a person is "hunting" if the person is in transit to or from engaging in hunting activities, or the person is in the field engaging in hunting activities.

[Statutory Authority: RCW 77.12.047, 04-05-026 (Order 04-22), § 220-125-010, filed 2/10/04, effective 3/12/04. Statutory Authority: RCW 75.08.080, 00-01-101 (Order 99-209), § 220-125-010, filed 12/16/99, effective 1/16/00.]

**WAC 220-125-020 Issuing orders of revocation or suspension.** Upon a determination that there are grounds for an order of revocation or suspension provided by statute, the director, or the director's authorized designee, is authorized to issue a revocation or suspension order.

(1) Time limit for orders. An order shall be issued no later than two years from the last conviction or other event that provides the grounds for the order.

(2) Effective date of orders. An order shall not be effective until the 21st calendar day following the mailing date of the order and shall remain in effect through the entire period of suspension, or the remaining period of the revoked license, unless the order is withdrawn, or unless recipient files a

timely request for an adjudicative proceeding under WAC 220-125-050 to contest the order. When there is a timely request for an adjudicative proceeding, the effective date, if any, shall be set by the final order that results from the adjudicative proceeding.

(3) Exception for orders that take effect immediately. If the director makes a finding that public health, safety, or welfare requires emergency action, the order may provide that revocation or suspension take effect immediately, or at any time prior to an adjudicative proceeding. A person subject to such an order may seek an adjudicative proceeding and that proceeding shall include an opportunity to seek expedited review of the determination that the order take effect immediately.

(4) Finality of orders. If there is no timely request for an adjudicative proceeding, then the order shall be final. An order contested in an adjudicative proceeding is final when that proceeding ends in a final order pursuant to the Administrative Procedure Act, or is otherwise dismissed. There shall be no collateral attack nor relitigation of any final order.

[Statutory Authority: RCW 75.08.080, 00-01-101 (Order 99-209), § 220-125-020, filed 12/16/99, effective 1/16/00.]

**WAC 220-125-040 Content of order.** An order of revocation or suspension shall include the information required by this section.

(1) A statement of material facts, such as the fact of conviction or other material facts set by statute or rule, and a statement of the legal authority that authorizes the order.

(2) A statement identifying what license, tag, or permit, or licensing privileges are revoked and/or suspended.

(3) A statement describing the beginning and end of the period of revocation and/or suspension.

(4) A statement describing rights to request an adjudicative proceeding to contest the order.

[Statutory Authority: RCW 75.08.080, 00-01-101 (Order 99-209), § 220-125-040, filed 12/16/99, effective 1/16/00.]

**WAC 220-125-050 Adjudicative proceedings to contest an order of revocation or suspension.** A person who is subject to an order of revocation or suspension shall have the rights provided by this section to request an adjudicative proceeding to contest the order. No person other than the recipient of the order or the recipient's legal representative shall have standing to request an adjudicative proceeding. The adjudicative proceeding shall be in compliance with provisions of the Administrative Procedure Act, except as modified by applicable rules of the department.

(1) Service by department. Service of the order by the department is valid if done in any of the following manners:

(a) Personal service on the recipient in the manner allowed by the civil rules for service of a complaint and summons;

(b) Service by mail to the last mailing address of a licensee; or

(c) Service by mail to the mailing address of a person convicted of a violation of chapter 77.15 RCW as shown by court records of the conviction.

When service is by mail, the date of service shall be shown on the department order as the date of department mailing, and may be proved by a certificate of mailing.

(2) Timing for request. An adjudicative proceeding to contest an order of revocation or suspension must be requested no later than twenty days from the date of service of the order. To be timely, the request must be physically received by the office of the director in Olympia, Washington, during normal business hours on or before the 20th day following the date of service of the order, except that if the 20th day falls on a Saturday, Sunday, or state holiday, then the request for hearing shall be timely if received on the next business day. The person requesting an adjudicative proceeding may prove that it was timely requested by obtaining a written receipt of service from the office of the director, or by providing an affidavit showing personal service on the office of the director, or by a United States mail return receipt requested service showing receipt by the department on or before the last day set by this rule.

(3) Manner and content of request. Each request for adjudicative proceeding shall substantially comply with this subsection.

(a) The request shall be in writing;

(b) The request shall identify the order that the person seeks to contest. This can be done by reference to the number of the order, by reference to the subject and date of the order, or by reference to a copy of the order attached to the request;

(c) The request shall state the grounds upon which the person contests the order. If the person contests the factual basis for the order, the person shall allege the facts that the person contends are relevant to the appeal; and

(d) The request shall identify the relief that the person seeks from the adjudicative proceeding by specifying whether the person asks to have the order vacated, or provisions of the order corrected.

[Statutory Authority: RCW 75.08.080. 00-01-101 (Order 99-209), § 220-125-050, filed 12/16/99, effective 1/16/00.]

**WAC 220-125-060 Grounds for reversing or modifying an order of suspension or revocation.** An adjudicative proceeding to review a department order of revocation or suspension shall reverse or modify an order only when the order was not authorized by law, or as otherwise provided in this section. Where an issue of fact is material to determining the validity of an order, then the department shall be required to prove the fact by a preponderance of evidence, except that a person contesting the order shall have the burden to prove any fact that is in the nature of an affirmative defense.

(1) Adjudicative proceedings to contest an order shall be limited to the following issues:

(a) Whether the person was in fact convicted of the relevant offenses or committed any conduct or actions that are material to the order;

(b) Whether the law authorizes the order of revocation or suspension of the particular license(s) or privilege(s);

(c) Whether the period of revocation or suspension is consistent with the period required or allowed by law; and

(d) Any other issue that the presiding officer determines is necessary to review of the order or review of the discretion exercised by the director.

(2) The presiding officer may, after appropriate conference with the person seeking review and a representative of the department, enter a prehearing order to identify the issues that will be reviewed at the adjudicative proceeding, and to

set the time, place, and manner of the proceeding. A prehearing order shall control all future proceedings and issues shall not be raised except as allowed by that order, except when the presiding officer determines that there is good cause. If no prehearing order is entered, then the adjudicative proceeding may occur and review the grounds stated in the request at a time, place, and manner set by the presiding officer. When there is no substantial prejudice to the appellant's ability to contest a department order, an adjudicative proceeding under this subsection may be conducted based on written submissions.

(3) Discovery and subpoenas. Discovery is not allowed except as provided in this rule. A party wishing to engage in discovery, or to compel the attendance of witnesses at the hearing or in discovery, must file a motion with the presiding officer to obtain permission. Such motion shall be served on all parties to the proceeding, and all parties shall have at least five days to respond to the motion before the presiding officer rules, unless the presiding officer shortens time for such a motion based upon a showing of good cause. In addition to the criteria set by RCW 34.05.446(3) for such motions, the moving party shall demonstrate that he or she has attempted in writing to seek a stipulation to the fact or facts that the person seeks to prove using discovery. The presiding officer has discretion to condition or deny discovery.

[Statutory Authority: RCW 75.08.080. 00-01-101 (Order 99-209), § 220-125-060, filed 12/16/99, effective 1/16/00.]

**WAC 220-125-070 Orders upon adjudication.** (1) The presiding officer shall enter findings, conclusions, and an order that affirms, modifies, or vacates the original order revoking or suspending. If the presiding officer enters an order that includes any period of revocation or suspension, then the order shall expressly state the beginning and ending period of any period of revocation or suspension, and shall identify the licenses or privileges that are revoked or suspended.

(2) If the revocation or suspension was imposed with a finding of immediate effect pursuant to WAC 220-125-020, then the period shall include such time that the person has been suspended or revoked under WAC 220-125-020. However, if the revocation or suspension did not take effect due to the initiation of the adjudicative proceeding, then the period of revocation or suspension shall begin on the twenty-first day after service of the final order and continue through the period set by statute or applicable rule.

[Statutory Authority: RCW 75.08.080. 00-01-101 (Order 99-209), § 220-125-070, filed 12/16/99, effective 1/16/00.]

**WAC 220-125-080 Reinstatement.** There shall be no reinstatement petitions authorized for any order of revocation or suspension except as provided by this section.

(1) A person under an indefinite order of suspension or an order that prohibits issuance of licenses for an indefinite period, based on statutes in existence prior to June 11, 1998, may petition the director for reinstatement of privileges by showing that:

(a) The person has complied with an analogous period of suspension that would be imposed under chapter 77.15 RCW; and

(b) The person has not been convicted of violating any fish or wildlife laws of the state of Washington, or any laws in Title 75 or 77 RCW, since the person was suspended or subject to an order prohibiting issuance of licenses to the person.

(2) Notwithstanding subsection (1) of this section, any such indefinite order issued by the former departments of fisheries or game or wildlife, or fish and wildlife, shall expire after ten full years from the initial date of such order.

[Statutory Authority: RCW 75.08.080. 00-01-101 (Order 99-209), § 220-125-080, filed 12/16/99, effective 1/16/00.]

### Chapter 220-130 WAC

#### VOLUNTEER COOPERATIVE FISH AND WILDLIFE ENHANCEMENT PROGRAM

##### WAC

220-130-010	Purpose.
220-130-020	Definitions.
220-130-030	Information required from volunteer groups.
220-130-040	Review and selection process.
220-130-050	Criteria used in selecting cooperative projects.
220-130-060	Acceptance or rejection of proposals.
220-130-070	Termination or revocation of agreements.
220-130-080	Project recovery of reimbursable expenses.

**WAC 220-130-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the department of fish and wildlife with the provisions of chapter 72, Laws of 1984 (Title 75 RCW).

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-010, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.52.035. 89-03-015 (Order 89-02), § 220-130-010, filed 1/6/89. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-010, filed 2/1/85.]

**WAC 220-130-020 Definitions.** (1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department of fish and wildlife relating to a cooperative fish or wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and game reared and released are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(3) "Department" means the department of fish and wildlife.

(4) "Reimbursable expenses" means an actual expense of a project that may be reimbursed by the department to the project from funds generated by the sale of surplus salmon carcasses and nonviable surplus salmon eggs from that project.

(5) "Surplus salmon eggs" means those salmon eggs that are surplus to both the needs of all programs of the department and other public entities as described in chapter 220-74 WAC.

(6) "Surplus salmon carcasses" means those salmon carcasses that are surplus to both the needs of all programs of the department and other public entities as described in chapter 220-74 WAC.

(7) "Viable salmon eggs" mean those salmon eggs which are fertile and capable of being cultured.

(8) "Nonviable salmon eggs" mean those eggs which are infertile.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-020, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.50.100 and 75.52.035. 98-02-017 (Order 97-245), § 220-130-020, filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 75.52.035. 89-03-015 (Order 89-02), § 220-130-020, filed 1/6/89. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-020, filed 2/1/85.]

**WAC 220-130-030 Information required from volunteer groups.** The following information should be furnished in writing on forms provided by the department by volunteer groups when applying for a cooperative fish and wildlife project.

(1) Date of application.

(2) Name of volunteer group or person proposing cooperative project. If a group, give the name, address and telephone number of one person in that group who will serve as contact person and project leader.

(3) Location and physical size of project, including a project area map, which clearly indicates the project site(s) including county, street address (if applicable), property ownership, township, range, section and acreage.

(4) Description of the proposed project, including title, project objectives (how the project will benefit the fish and wildlife resources), methods of achieving objectives, criteria for measuring objectives and a description of how the project will be monitored and maintained.

(5) Estimated beginning and ending date of project.

(6) A project budget which identifies by line item the amount of funding requested to purchase goods and services, contracted services, travel, per diem, private vehicle mileage reimbursement, equipment, a list of other funds which may be available to support the project (including the amount and source of outside funding) and any in-kind contributions.

(7) An estimate of the amount of technical assistance required from the department including the names and titles of department personnel who may be needed.

(8) An estimate of the volunteer time, expressed in staff hours, which the project will require.

(9) If the project is to plant or rear fish or wildlife, the following additional information should be developed, unless exempted by the department:

(a) Species to be produced.

(b) Number of eggs, larvae, juveniles, adult fish, shellfish or wildlife proposed to be incubated, reared or released, by species, as well as the timing of all phases of this activity.

(c) Proposed source of eggs, broodstock or juveniles.

(d) Method and type of culturing proposed.

(e) Date of release.

(f) Size at release.

(g) Release location(s).

(h) Statement about the volunteer groups' knowledge of culture and pathology of the species proposed to be produced.

(i) Availability of professional and technical expertise; i.e., local veterinarian, hatchery nearby, local fish or habitat biologist, etc.

(10) A list of permits or agreements (other than those needed to rear and release fish and wildlife) needed to accom-

plish the proposed project; i.e., cooperative landowner agreements, water rights, building permits, hydraulic project approval (HPA), shorelines permits, zoning variance, JARPA, Corps of Engineers, etc.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-030, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-030, filed 2/1/85.]

#### **WAC 220-130-040 Review and selection process. (1)**

The application method is on application forms provided by the department specifically for this purpose. Application forms will be available by request from the Olympia headquarters and at all regional offices of the department.

(2) Applications for projects will be accepted each year during the open application period of January 2 through March 31.

(a) Applications accepted prior to the start of a biennium may be for project funding for one or both years of the ensuing biennium.

(b) Applications accepted during the first year of a biennium will be for project funding in the second year of a biennium.

(3) The funding decision deadline is May 31 of the year of application.

(4) Exceptions to the funding deadline dates will only be allowed in the event of applications for volunteer projects which are responsive to an emergency situation which may arise and which has been declared to be an emergency by the director.

(5) The department will send each applicant, within forty-five days of receipt of each application, a written acknowledgment of the receipt of the application and give the applicant an estimated date when notification of acceptance or rejection of the proposal can be expected. The written acknowledgment will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals where funding is requested will be made only after the biennial budget is passed by the legislature and signed by the governor.

(6) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty tribes and will make contact with these entities, when the department determines that it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency or tribe would be appropriate, it may be required as a condition of the agreement, when issued.

(7) The department may provide suggested modifications to the proposal which would increase its likelihood of approval together with the name and telephone number of the person within the department responsible for monitoring the review of the proposal.

[Statutory Authority: RCW 77.12.047. 04-01-055 (Order 03-306), § 220-130-040, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. 00-02-048 (Order 99-235), § 220-130-040, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-040, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-040, filed 2/1/85.]

(2007 Ed.)

**WAC 220-130-050 Criteria used in selecting cooperative projects.** The following criteria will be considered by the department in ranking project proposals for funding. These criteria are not rigid but are intended to guide the department in selecting projects that are feasible, cost-effective and complementary with other department programs.

(1) Fish and wildlife commission policies will be used, along with other criteria, to rank proposals. Applicants may wish to compare the objectives of their proposals with the most recent statement of goals, policies and objectives of the fish and wildlife commission to determine whether they are consistent or in conflict.

(2) Program goals, objectives and priorities. Projects will be ranked according to their adherence to program goals, objectives and priorities as outlined in department plans. Applicants may wish to call the operating division(s) within the department most directly concerned with the subject of their proposal to determine whether they are consistent or in conflict.

(3) Costs versus benefits. Project proposals will be evaluated and ranked according to expected ratio of costs to public benefits. Costs will include both grant funds and other funds required, the level of department provided staff assistance needed and the amount for continuing operation and maintenance support needed. Benefits may include direct benefits to fish and wildlife or habitat and benefits to the public in terms of increased recreational or commercial opportunities or increased knowledge about fish and wildlife.

(4) Educational value. Consideration will be given to a project's value in educating and informing the public about the life history and needs of fish and wildlife.

(5) Capabilities of volunteer groups. When considering the approval of a new project, or the renewal or refunding of an existing project, the relative success of that project and the overall capabilities of a particular volunteer group in managing cooperative projects and producing results will be considered, including the amount of department supervision and assistance required to accomplish the project.

(6) Project types. The department shall encourage and support the development and operation of cooperative projects of the following types:

(a) Cooperative food fish and game fish enhancement projects.

(b) Cooperative fish and wildlife habitat improvement projects.

(c) Cooperative fish or wildlife research projects.

(d) Cooperative game bird and game animal projects.

(e) Cooperative information and education projects.

(f) Cooperative nongame wildlife projects.

(g) Cooperative shellfish projects.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-050, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-050, filed 2/1/85.]

**WAC 220-130-060 Acceptance or rejection of proposals.** (1) The terms and conditions for an acceptable project will be set forth in a written contract between the department and the volunteer group and provide specifics for project implementation. Agreements may be for up to five years.

[Title 220 WAC—p. 223]



(2) Each approved agreement will include the following, when determined by the department to be necessary or appropriate:

- (a) Permit to release fish or wildlife.
- (b) Procedures for applying for a hydraulic project approval (HPA).
- (c) Description of methods that will be used to provide the volunteer group with fish, eggs, wildlife, fish food or other available supplies which will be obtained from the department.

(3) If a proposal is rejected, the department must provide in writing to the volunteer group the reasons for the rejection. The volunteer group may appeal any decision rejecting a proposal to the director or the director's designee.

(4) Proposals accepted by the department may not commence until the volunteer group has executed a contract to undertake the project and that contract has been signed by the person within the department with the authority to do so. Any funds expended prior to the acceptance of a cooperative project contract, or orders for supplies or other action by the volunteer group after the completion date which would constitute a financial obligation will be considered the responsibility of the volunteer group.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-060, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-060, filed 2/1/85.]

**WAC 220-130-070 Termination or revocation of agreements.** (1) The department may revoke approval and terminate agreements for cause. Grounds for termination include:

- (a) Violation of the agreement provisions.
- (b) The development of unacceptable biological or resource management conflicts.
- (c) The unavailability of adequate financial or biological resources to continue participation by the department.
- (d) If any fish or wildlife laws or regulations have been violated.

(2) Notice of revocation shall be mailed to the contact person for the volunteer group stating the reason for the revocation and, should the reason be violation of the agreement provisions, specifying what agreement provisions were violated and how corrective action may be taken to continue the project.

(3) The volunteer group may appeal any decision for agreement revocation or project termination to the director or the director's designee.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-070, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.50.100 and 75.52.035. 98-02-017 (Order 97-245), § 220-130-070, filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 75.52.035. 89-03-015 (Order 89-02), § 220-130-070, filed 1/6/89.]

**WAC 220-130-080 Project recovery of reimbursable expenses.** Cooperative projects which rear salmon have the potential for generating income from the sale of surplus salmon carcasses and eggs derived from fishes produced at those projects, and to which salmon return to spawn at the end of their life cycle. If the department determines that it is appropriate to do so, such cooperative projects may, under the guidance of the department and by administrative rules

and guidelines established for this purpose, recover some of the cooperative projects operating costs through the sale of nonviable salmon eggs and carcasses. It is understood that the primary objective of this provision is not to establish projects which constitute fish farms, but to allow those projects which may generate surplus fish which elude sport, commercial or tribal fisheries to sell the resulting surplus to help defray the cost of the particular cooperative project.

(1) In order for a project to recover reimbursable expenses, the project must have an annual budget presubmitted and approved by the department. The budget must generally show expected expenses, including the names of all persons expected to draw salaries as hired labor.

(2) Under administrative rules developed for this purpose, the cooperative project may sell nonviable salmon eggs and carcasses by soliciting competitive bids from approved buyers, as determined by the department.

(3) Volunteer cooperative project surplus salmon eggs shall be sold as prescribed by chapter 220-74 WAC, Surplus salmon eggs.

(4) All moneys generated by such sales shall be paid to the department and placed into a special account used solely to fund the reimbursable expenses of the cooperative project which generated the funds.

(5) In order to utilize the funds generated by such sales, a cooperative project must submit a list of expenses accompanied by original invoices, including signed time sheets for hired labor salary expenses, which clearly shows that the expenses relate to the presubmitted budget for the project which comply with all accounting and contract requirements.

(6) Reimbursable expenses shall be limited to the actual annual operating expenses of the project. No profit may be realized by the project, and no moneys shall apply to amortization or depreciation.

(7) Viable surplus salmon eggs may not be sold, bartered, exchanged or disposed of by any volunteer group.

(8) Surplus salmon carcass sales may not be allowed if the department determines that they would be more appropriately utilized to reseed streams in an effort to restore or enhance habitat through nutrient enrichment.

[Statutory Authority: RCW 77.12.047. 04-01-055 (Order 03-306), § 220-130-080, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-080, filed 5/6/99, effective 6/6/99.]

## Chapter 220-140 WAC

### REGIONAL FISHERIES ENHANCEMENT GROUPS

#### WAC

220-140-001	Purpose.
220-140-010	Definitions.
220-140-020	Description of regional fisheries enhancement groups.
220-140-030	Establishing a group.
220-140-040	Project funds from the sale of surplus salmon carcasses and eggs.
220-140-050	Funding the regional fisheries enhancement group account.

**WAC 220-140-001 Purpose.** The purpose of this section is to establish regional fisheries enhancement groups, adopt procedures for the implementation of enhancement projects, and provide for accountability.

[Statutory Authority: 1989 c 426 and RCW 75.08.080. 90-04-026 (Order 90-06), § 220-140-001, filed 1/30/90, effective 3/2/90.]

**WAC 220-140-010 Definitions.** The following definitions apply to this chapter:

(1) "Regional fisheries enhancement group" or "group" means a nonprofit association established in compliance with Title 24 RCW, representing diverse interests, and which will work together within a predesignated area for the express purpose of enhancing salmon production and habitat in that area.

(2) "Regional fisheries enhancement group's project surplus viable salmon eggs" means those viable salmon eggs that are surplus to both the needs of the department and other public entities within the state and to the group itself. The priority for use of viable salmon eggs is as established in chapter 220-74 WAC.

[Statutory Authority: RCW 75.50.100 and 75.52.035. 98-02-017 (Order 97-245), § 220-140-010, filed 12/30/97, effective 1/30/98. Statutory Authority: 1989 c 426 and RCW 75.08.080. 90-04-026 (Order 90-06), § 220-140-010, filed 1/30/90, effective 3/2/90.]

**WAC 220-140-020 Description of regional fisheries enhancement groups.** The following geographical areas define regions in which groups have been formed, and established as provided for in this chapter, such groups are eligible to make funding requests through the department. There shall be one group per region.

**Region 1: Nooksack Salmon Enhancement Association**

Includes most of WRIA 1: The major watershed is the Nooksack River. This region also includes nearshore habitat and other watersheds located from the Canada-U.S. border south to Oyster Creek in Samish Bay and also watersheds flowing from Whatcom County to the Fraser River.

**Region 2: Skagit Fisheries Enhancement Group**

Includes WRIs 2, 3 and 4, and parts of 1 and 6: The major watersheds are the Skagit and Samish rivers. This region also includes nearshore habitat and other watersheds located from Samish Bay, south of Oyster Creek, south to and including, Penn Cove on Whidbey Island, out to and including, the San Juan Islands.

**Region 3: Stilly-Snohomish Fisheries Enhancement Task Force**

Includes WRIs 5 and 7 and parts of 6 and 8: The major watersheds are the Stillaguamish and Snohomish rivers. This region also includes nearshore habitat and other watersheds located south of Penn Cove on Whidbey Island, including Camano Island; the mainland south to the Edmonds ferry dock.

**Region 4: Mid-Sound Salmon Enhancement Group**

Includes WRIs 8 and 9 and part of 15: The major watersheds are those entering Lake Washington and the Green/Duwamish River. This region also includes nearshore habitat and other watersheds located from the Edmonds ferry dock south to Brown's Point, across to the north side of Gig Harbor, and north around Foulweather Bluff down to the Hood Canal Bridge.

**Region 5: South Puget Sound Salmon Enhancement Group**

Includes WRIs 10, 11, 12 and 13 and parts of 14 and 15: The major watersheds are the Puyallup, Nisqually, and Deschutes rivers. This region also includes nearshore habitat and other watersheds draining into Puget Sound south of a line between Brown's Point and the north side of the entrance to Gig Harbor.

**Region 6: Hood Canal Salmon Enhancement Group**

Includes WRIA 16 and parts of 14, 15 and 17: Major watersheds include the Skokomish, Hamma Hamma, Duckabush, Dosewallips, and Quilcene rivers. This region also includes nearshore habitat and other watersheds located in Hood Canal south of the Hood Canal Bridge.

**Region 7: North Olympic Salmon Coalition**

Includes WRIs 18 and 19 and part of 17: Major watersheds include the Dungeness, Elwha, Lyre, Pysht, Clallam, and Hoko rivers. This region also includes nearshore habitat and other watersheds located north and west of the Hood Canal Bridge, to Cape Flattery.

**Region 8: Pacific Coast Salmon Coalition**

Includes WRIs 20 and 21: Major watersheds include the Sooes, Ozette, Quillayute, Hoh, Queets, and Quinault rivers. This region also includes nearshore habitat and other watersheds entering directly into the Pacific Ocean between Cape Flattery and the north side of Grays Harbor.

**Region 9: Chehalis Basin Fisheries Task Force**

Includes WRIs 22 and 23: Major watersheds include the Humptulips, Hoquiam, Wishkah, Johns and Chehalis rivers. This region also includes nearshore habitat within, and other watersheds flowing into Grays Harbor.

**Region 10: Willapa Bay Regional Fisheries Enhancement Group**

Includes most of WRIA 24: Major watersheds include the North, Willapa, Palix, Nemah, Bear, Long Island and Naselle rivers. This region also includes nearshore habitat within, and other watersheds flowing into Willapa Bay.

**Region 11: Lower Columbia Fish Enhancement Group**

Includes WRIs 25, 26, 27 and 28 and parts of 24 and 29: Major watersheds include the Chinook, Grays, Elochoman, Cowlitz, Kalama, Lewis, and Washougal rivers. This region also includes Columbia River habitat and other watersheds entering the Washington side of the Columbia River below Bonneville Dam.

**Region 12: Mid-Columbia Regional Fisheries Enhancement Group**

Includes WRIs 30, 31, 37, 38, 39 and 40 and most of 29: Major watersheds include the Little White Salmon, White Salmon, Wind, Yakima, and Klickitat rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the north and west above Bonneville Dam, up to Rock Island Dam.

**Region 13: Tri-State Steelheaders Regional Fisheries Enhancement Group**

Includes WRIs 32, 33 and 35 and parts of 34 and 36: Major watersheds include the Snake and Walla Walla rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River from the east between McNary Dam and the Interstate 182 Bridge at Richland.

**Region 14: Upper Columbia Regional Fisheries Enhancement Group**

Includes WRIAs 44, 45, 46, 47, 48, 49, 50, 51 and 52: Major watersheds include the Wenatchee, Entiat, Methow, Okanogan and San Poil rivers. This region also includes Columbia River habitat and other watersheds entering the Columbia River above Rock Island Dam up to and including the San Poil watershed.

[Statutory Authority: RCW 77.12.047, 01-17-074 (Order 01-172), § 220-140-020, filed 8/16/01, effective 9/16/01; 00-20-040 (Order 00-200), § 220-140-020, filed 9/28/00, effective 10/29/00. Statutory Authority: 1989 c 426 and RCW 75.08.080, 90-04-026 (Order 90-06), § 220-140-020, filed 1/30/90, effective 3/2/90.]

**WAC 220-140-030 Establishing a group.** (1) In order to establish a regional fisheries enhancement group, interested parties must make application through the department. In order to qualify to establish a group, interested parties must:

- (a) Identify which geographic region the interested parties live in.
- (b) Identify the interested parties, including addresses.
- (c) Identify a representative who will work with the department on the initial application.
- (d) Agree to form a nonprofit corporation, registered with the secretary of state of the state of Washington.
- (e) Agree to periodic audits by the department, or its representative.

(2) The department will provide coordination and technical assistance to facilitate the application by prospective groups to be fisheries regional enhancement groups. The department shall provide a format and guidelines which any prospective group may use to make initial application. An initial application will be reviewed by the regional enhancement task force within thirty days, and notice will be given in writing of any omissions or errors and corrective action will be discussed with the group representative. The prospective group will be given thirty days for correction and resubmission of the application.

(3) The goal shall be one prospective group per region, and a department coordinator shall seek reconciliation of competing interests, but in the event two or more prospective groups make application, the department may request a representative of each group to meet with the regional enhancement task force and make a presentation addressing why that group should be the fisheries regional enhancement group for the region. The regional fisheries task force shall recommend to the director which group shall be selected as the regional fisheries enhancement group. The criteria to be considered when choosing from among competing groups shall include, but not be limited to:

- (a) Representation of diverse interests within the group.
- (b) The intentions of the group regarding salmon production, salmon habitat protection, and salmon habitat enhancement.
- (c) The inclusion of an educational component within the group's planning process.
- (d) Group plans to provide accountability for both salmon production and fiscal matters.
- (e) The expected level of voluntary contributions to and voluntary participation in group projects.

(4) Upon selection of the prospective group, the department will provide guidance and assistance with the articles of incorporation and establishment as a 501 (C)(3) organization.

(5) After approval as a group, incorporation, and initial 501 (C)(3) application, one-twelfth of the start up funds provided for in section 9, chapter 426, Laws of 1989, will be made available, as needed, to each group for start up costs, other than incorporation costs, or start up projects. Distribution of start up funds for start up costs or start up projects will be made by the director, based on review and recommendation by the regional enhancement task force. After January 1, 1991, uncommitted start up funds may be distributed by the director to established groups for start up projects, based on review and recommendation of the regional enhancement task force.

[Statutory Authority: 1989 c 426 and RCW 75.08.080, 90-04-026 (Order 90-06), § 220-140-030, filed 1/30/90, effective 3/2/90.]

**WAC 220-140-040 Project funds from the sale of surplus salmon carcasses and eggs.**

(1) Regional fisheries enhancement groups whose projects produce surplus salmon carcasses and eggs may request that the department sell such surplus, providing the following conditions are met:

- (a) Salmon must be returning to a department approved group facility (hatchery, trap or weir);
- (b) An approved and current salmon rearing project must be on file with the department;
- (c) The department must declare that a surplus exists beyond the needs of the department, tribes, other public entities, and group project requirements; and
- (d) Use of funds generated by such sale will be approved by the regional fisheries enhancement group advisory board and the department, using the same procedure as established for handling moneys allocated from the regional fisheries enhancement group account.

(2) The department may sell the surplus salmon carcasses, nonviable eggs and viable eggs of a group project. Surplus viable salmon eggs shall be sold by the department as prescribed in chapter 220-74 WAC, Surplus salmon eggs. A group may not sell any salmon products resulting from its activities.

(3) All money received by the department from the sale of group surplus salmon carcasses, nonviable eggs and viable eggs shall be placed into the regional fisheries enhancement group account and used solely to fund the expenses of approved activities for the group that developed the project.

(4) All money received by the department from the sale of surplus salmon carcasses, nonviable eggs and viable eggs returning to state funded hatcheries shall be placed into the general regional fisheries enhancement group account. Eighty percent of this money will be distributed equally to each of the twelve groups and twenty percent will be used by the department to administer the program.

(5) All fish produced from an approved group project are intended for release into state waters. Live fish will not be transported from a group project without prior written approval of the department.

(6) Surplus carcasses from salmon returning to a group project may be seeded into and along streams if a plan to do so has been preapproved and coordinated by the department.

[Statutory Authority: RCW 75.50.100 and 75.52.035. 98-02-017 (Order 97-245), § 220-140-040, filed 12/30/97, effective 1/30/98.]

**WAC 220-140-050 Funding the regional fisheries enhancement group account.** The department shall deposit into the regional fisheries enhancement group account the sum of \$297,500 during fiscal year 2000, based on 297,500 food fish anglers. Beginning in fiscal year 2001, and each year thereafter, the deposit into the regional fisheries enhancement group account shall be adjusted annually to reflect the actual number of license holders fishing for food fish based on an annual survey from the previous license year conducted by the department beginning with the April 1, 1999, to March 31, 2000, license year survey. Additional deposits to the regional fisheries enhancement group account will be made pursuant to RCW 75.50.100.

[Statutory Authority: RCW 77.32.440. 99-17-096 (Order 99-128), § 220-140-050, filed 8/17/99, effective 9/17/99. Statutory Authority: RCW 75.54.140 and 75.32.370. 99-02-040 (Order 98-263), § 220-140-050, filed 12/31/98, effective 1/1/99.]